

# TRENDS IN CRIME TREATMENT

YEARBOOK

NATIONAL PROBATION ASSOCIATION  
NINETEEN HUNDRED AND THIRTY-NINE

CURRENT OPINION ON THE TREATMENT AND PREVENTION  
OF DELINQUENCY AND CRIME. PAPERS GIVEN AT THE  
THIRTY-THIRD ANNUAL CONFERENCE OF THE ASSOCIATION  
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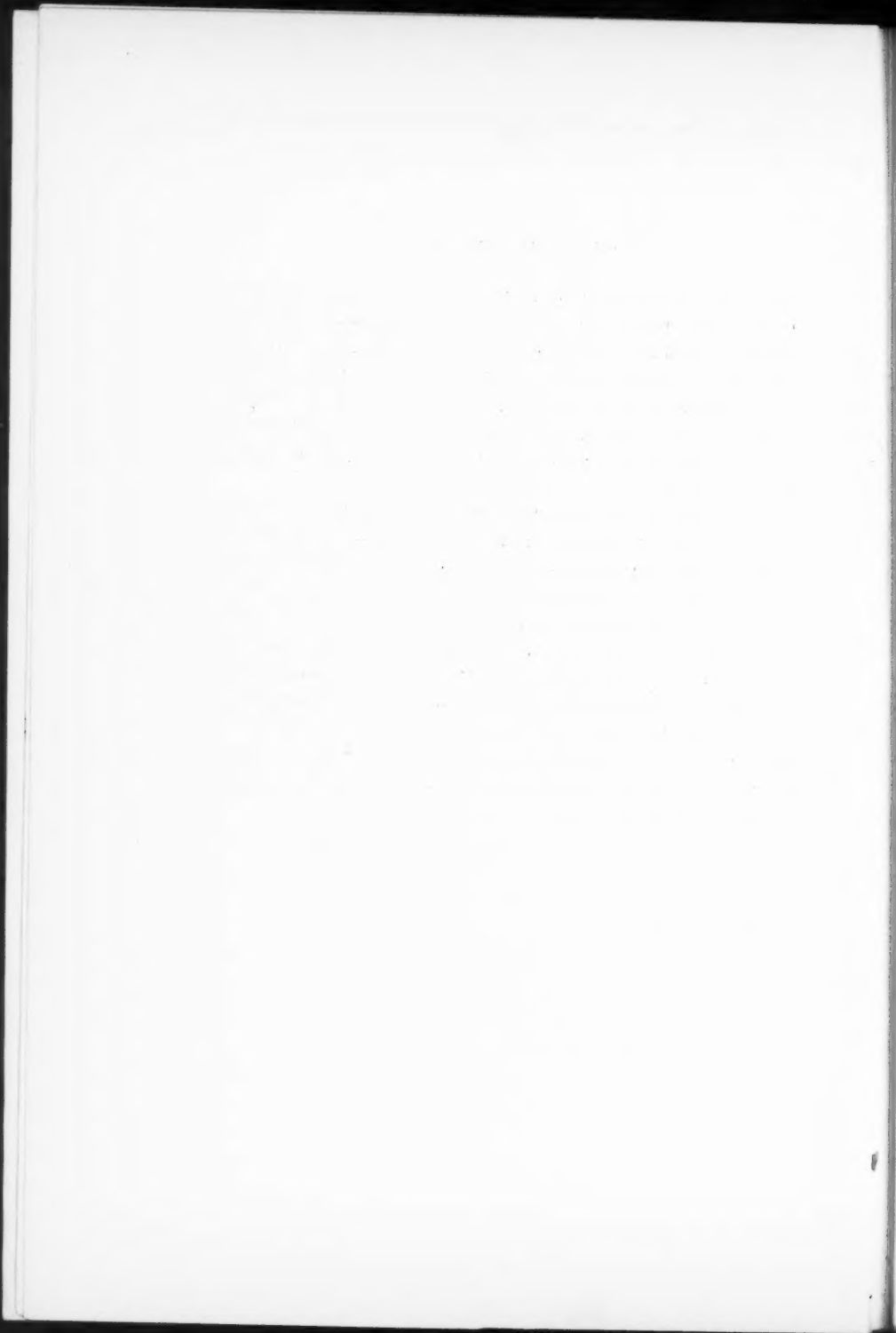
## FOREWORD

THE National Probation Association again presents to the public its Yearbook, a symposium of progressive thought and practice toward solution of the problem of crime and its younger brother delinquency. The Yearbook is, as usual, chiefly a compilation of the papers given at the annual conference of the Association. The conference for 1939 was held in Buffalo, New York, June 16 to 20.

The range of interest in this volume, to which we have given the title *Trends in Crime Treatment*, is wide. The first section deals with community responsibility for preventing the development of delinquency. Other sections cover techniques and criteria for probation and parole work, juvenile and adult; probation and parole administration and their relationship to the state; the changing function of the juvenile court in the community; a digest of legislation for the current year. A review of the work of the Association concludes the volume. We hope it will meet with the same warm reception its predecessors have enjoyed.

CHARLES L. CHUTE

December 1939





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## I CHECKING EARLY SYMPTOMS OF CRIME



### The Role of the Police in Crime Prevention

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IN a country bounded on the east by one World's Fair and on the west by another, it is a fitting time to discuss crime prevention units in police departments, for the first protective service was set up in Portland, Oregon in 1905, during the Lewis and Clarke Exposition. It was definitely a woman's plan, staffed by women and designed for the protection of young girls, and the character of the movement continued for many years in the police-women's units which were subsequently established. Many of the officers in the International Association of Policewomen and in the local civic groups promoting these bureaus had been famous in the suffrage field and they carried over into the new project their courage, their high ideals and not a little of their fanaticism, qualities which are inherent in all pioneering. Their task was made difficult by the punitive aspect of all American police work, accepted alike by the police and the public; by the military nature of the police hierarchy which had neither room nor liking for feminine intruders; and alas, by the Greek chorus of the social agencies, crying, "Keep the children away from the police." In this the agencies refused to accept reality (to use one of their favorite phrases), for the police are by nature on the first line of defense, covering every inch of the city geographically,

functioning every hour of the twenty-four, so that they spot delinquency cases and delinquency conditions long before the social agencies are aware of them. They must constantly deal with children although they may lack the social equipment and the technical skill necessary for diagnosis and treatment.

The situation reminds me of my favorite New England postmaster, who was sitting one day in a corner of his general store. A young man, a city slicker, came in and began a series of questions, probings and criticisms. Bub answered politely for a time, but then he grew impatient and said, "What's this all about, anyway? Who are you, coming in here and asking about my affairs and poking in corners?"

The young man threw back his coat and showed his credentials, saying he was a post office inspector on a routine visit.

"Well," said Bub, "you can get the heck out o' here. I been running this post office for twenty years and I don't need no help from the Gov'mint."

Thus the police were formerly dealing with social problems but wouldn't take any help from the social agencies, and the social agencies were struggling with problems of law enforcement but didn't want any help from the police. It was a vicious circle which had to be broken somewhere, and to such enlightened chiefs as August Vollmer and to the policewomen, many of them trained in social work, goes the credit for the first effective break. But the good news of 1939 is that today the police and the social agencies are beginning to meet on the common ground of crime prevention and are trying to harness the strategic position of the police to the knowledge and techniques which the social agencies have developed.

It is the purpose of this paper to review the present

situation and to make note of new trends. Much of its material was secured through a questionnaire sent out from the office of the National Probation Association to representative cities in all parts of the United States, including Honolulu. Replies were received from thirty-two crime prevention units.

### *Police Function in Crime Prevention*

What is the function of the police department? In general terms it includes the preservation of the peace, the protection of property, and the prevention of crime—a field broad enough for almost any service and subject to a variety of interpretations. What, indeed, is *function* in any government agency? Area may be outlined by statute and precedent but within that area practice depends on the attitude and demands of the community. Under depression conditions we have seen tremendous shifts in the relief field, and as the volume of American crime mounts and continues to be a problem of youth, isn't it natural that the police, the first to feel its effects, should turn to preventive measures? And if the traffic and detective units make use of modern inventions, why shouldn't crime prevention units benefit from the equally remarkable discoveries of the social sciences?

The functions of a crime prevention unit, as outlined by the International Association of Policewomen and as accepted generally by the police, are primarily: (1) to deal with all cases in which women and children are involved either as offenders or as victims of offense; (2) to deal with conditions dangerous to youth and to supervise public recreation.

The replies from the thirty-two cities answering the questionnaire show that these functions are still being covered, but recently they have been broadened to include provision of facilities for recreation as well as a

program for better public relations. Let us consider these functions in greater detail.

It is generally accepted that in their relation to cases the service of the police is diagnostic rather than correctional. They come in touch with vast numbers of cases but they do not have the facilities for intensive, long-time treatment, nor should they attempt to duplicate the work of the social agencies and the courts. But if they are to refer cases wisely they must know something of each individual, they must analyze each problem. Therefore it is essential that they have well trained case workers who understand the diagnostic process. In twenty-nine of the thirty-two replies reference was made to case investigation, although it varied in degree from simple family interviews to careful analysis at a child guidance clinic where the police took an active part in the testing. Continued supervision or treatment after diagnosis is not the general rule, although ten cities reported that the police were supervising a selected group, evidently predelinquents who required minor adjustments and who were not provided for elsewhere. Nine reported that they kept some check on their cases but did not carry them as a case load for treatment.

Probation workers will be interested in the relation of these officers to the courts and will perhaps be a little fearful of intrusion. While the majority make their material available, twenty-six state that they do not make investigations for the juvenile court, four do so only on special request, while two make them regularly. As for supervision of probationers, thirty report that they never supervise, and two do so only on special request. All thirty-two units state that probationers never report to station houses.

In the adult courts there is a little more service, es-



pecially in the minor courts where probation staffs are small. Fifteen police departments give no service at all; four answer special requests; two act as probation officers; ten appear only on "contributing to delinquency" cases where an adult is involved, a field in which they can be extremely helpful.

In the matter of juvenile detention the police are not active, having no part to play in twenty-seven instances. In other words, the child after apprehension by the police is immediately referred to the juvenile court or other authority. In adult detention, however, the situation is reversed and the police are in control in twenty-four cities. In improving detention quarters for women offenders they have done pioneer service of great value, especially in Washington, Detroit and Cleveland.

The police are not acting as truant officers in any of the communities reporting, but they mention cooperation in twenty-two instances and in seven cooperation has been worked out with the schools.

In general the control of vice and prostitution is left to a special squad although seven units report a definite cooperative program and three have a direct responsibility. Venereal disease case problems are referred to the health department, only nine units reporting a cooperative plan and only one having any direct responsibility in the field. A recent survey by social hygiene workers shows a very similar situation. In these two fields there is apparently a diminution of interest, for many of the policewomen of early days received their training in the United States Commission on Training Camp Activities and were particularly interested in the improvement of venereal disease control. In view of the intensive program against venereal disease instituted by the United States Public Health Service there is now an opportunity

for fine work in locating and referring cases for treatment, for here again the police are in a strategic position.

A recognized part of the police preventive program is the patrol of public places and the supervision of commercial recreation. This does not mean the routine patrol of uniformed officers which must include every kind of service, but rather a specialized duty by men and women trained for the task. We all know that there are sore spots in our communities, breeding places of crime where unprotected youth comes into contact with vicious influences and where there are no wholesome pastimes. These areas require attention of a special kind to locate individuals who are endangered as well as to spot and correct the conditions themselves. Evidently the idea of delinquency areas as outlined in Clifford Shaw's book has taken hold, for although the question was not asked, eight units mention special studies, spot maps and promotional programs in the most troublesome or neglected parts of the city. Seventeen units maintain special details and twenty-two regularly supervise commercial recreation. In general the work of the units covers the entire city although three have confined their efforts to special zones. Five cities have a setup for fairs, pageants or emergencies.

#### *New Services*

The nineteen-twenties witnessed an expansion of the preventive facilities of the police and the establishment of a large number of women's bureaus usually initiated by social agencies or civic groups and all too often superimposed on an unwilling department. The thirties have seen an entirely new development originating from within, the organization of recreational activities, such as scout troops, boys' clubs, athletic groups and junior police. This new development in police programs has in it the germ of much that is good, as well as some very definite dan-

gers. It shows clearly what many of us have known for a long time, that the regular recreational agencies are not meeting the needs of the boys and girls who are developing delinquent trends. Anyone who has looked over the records of a juvenile court or a correctional institution knows what a small percentage have ever belonged to or come under the influence of organized recreation, and Warden Lawes points out that only three per cent of the inmates of Sing Sing ever had such contacts. Conversely, the character-building agencies often proclaim the small percentage of their members who are known to courts and reformatories, a fact which attests their success in prevention but confirms our point that delinquents are not benefiting from these groups. Their programs are often outlined according to a national pattern, geared to a special type of service, and their aim is successful group participation.

While it is true in a general sense that all boys are alike and want the same thing, it does not follow that the means of satisfying their needs are always the same. Delinquent boys who have known the excitement of gang warfare and pillages, delinquent girls who have followed the seasons north and south by a modern usage of the thumb, live at high tension and they often acquire a sophistication beyond their years. Likewise they have gained an "out-group" feeling towards other children which is a mixture of scorn for their tepid experiences and unconscious envy for their more secure position in society. They are not to be won by an instructional hike to the city's waterworks, or swimming which must be preceded by a class in Bible study, parts of a program outlined to me not long ago in a city with an acute delinquency problem. Workers in such an agency are not giving the boy what he wants, but trying to make him like what they think he ought to have. We must change our prandial

technique and instead of preparing our meal and calling out our "come and get it" we must reverse the process and hand this child a nicely embossed a la carte menu and say, enticingly, "What is your order, Sir?"

Undoubtedly there is a gap here, a group left out, but it cannot be filled by a mere extension of the usual activities and techniques, any more than the case work technique for establishing relief eligibility is adequate for the adjustment of a difficult problem in a child guidance clinic. The delinquent child needs correction, using the word in its constructive and not its punitive sense. Correction of his attitudes and habits can be achieved through group activities as well as through case work, or group activities may be included as a part of the case work program.

### *Recreation Programs*

Professor Thomas D. Eliot, in addressing this Association on Case Work Functions and Judicial Functions,<sup>1</sup> used the term "corrective group work" in listing treatment services. He does not define it but it seems to me an excellent description of the kind of care which these youngsters need,—something more than group work and less than case work, but compounded of certain features of both. The leader must be ingenious and flexible so as to meet the need for recreation as it actually exists, and to his techniques of group organization he must add a sound understanding of behavior and case work adjustment, for every delinquent is an individual problem. Above all he must realize that the burden of attraction is on him and not on the child.

The police, actually seeing these children in their native habitat for days on end and being of a realistic frame of mind, have recognized this serious need. They know

1. *Coping with Crime, 1937 Yearbook* National Probation Association, New York, p. 252

too how slight the turning point is sometimes between the road which leads to crime and the one which ends in useful citizenship. In addition they are concerned over the mounting rate of crime, youthful crime, a burden which they are the first to feel.

Therefore it is interesting to find that thirty-one of the thirty-two units answering our inquiry make a regular practice of referring boys and girls to the recreational agencies in their communities. Sixteen units have gone further and are organizing their own recreational groups. Several years ago the International Association of Chiefs of Police set up a section on the Big Brother movement and this has given new impetus to the extension of the preventive program and made it an integral part of police practice. "It is all," says a prominent chief of police, "a definite reflection of the fact that the police as a whole do not feel that other preventive organizations have accomplished what they set out to do, and that unless they do it themselves their burden of juvenile crime will continue to be increasingly heavy."

As in any new movement, there is very little standardization and uniformity and the programs differ widely, but the administration is for the most part through crime prevention units, with a staff chosen from the police body because of special interest and skill.

Naturally the question arises, Is this a police *function*? Quite as naturally the recreational agencies will answer *no*, and the best opinion of the day seems to be in accord with them. The police cannot properly take over these functions any more than they can do intensive case work, and the recreational agencies are right in pointing out the lack of trained leaders and facilities in such setups under police auspices. But there are some important reservations. For years the private agencies have pointed with pride to their experimental laboratory work in which

they have first demonstrated the solution to some problem and then asked a public agency to take over the service. We all remember that in the early days volunteers and private agencies often paved the way for probation service. In this instance the public agency has turned the tables and is demonstrating a need which the private agencies have not met and surely there can be no objection to that.

The police attitude generally is eminently fair and cooperative, and they are willing to relinquish their new work when adequate measures are taken by other agencies. A recent pamphlet issued by the Boy Scouts of America describes cooperative schemes in Buffalo, Cleveland and Chicago, while the American Police Review for November-December 1938 urges cooperation with the Boys' Clubs of America. As a body the International Association of Chiefs of Police has definitely abandoned its plan for an organization of boys' clubs, perhaps to be called American Police Cadets, and states its position thus:

"In view of our further study of the subject, we feel it would be unwise to attempt to conduct such an organization without proper facilities. Therefore we urge police executives to carry out the idea with the help of the boys' clubs and the Boy Scouts. Later on we may be able to work out plans for the cadets as an honorary organization made up of outstanding members of the existing clubs. In the meantime, you can have the advantage of qualified leadership through affiliation with the scouts or boys' clubs organization."

Their tremendous interest is shown by the fact that they devoted an entire day at their last convention to the topic of delinquency, urging the use of civic bodies and women's clubs and passing the following resolution:

RESOLVED, that the chief of police of each city and community take immediate action to encourage and promote youth organizations for the purpose of reducing juvenile delinquency in an effort to protect the youth and especially those of the underprivileged classes.

They also urged the Federal Government to use naval vessels, no longer in service, for the training of itinerant boys and to take a hand in the juvenile delinquency problem as they have for the average boy in creating the CCC.

In this way the police have more clearly defined their function and have announced a policy of using the existing agencies rather than competing in the organization of new clubs. But no net catches all the fish, and delinquent children adjust at different levels and in different ways so that neither the clubs nor the case workers can give the full answer. Let us hope that this modified plan will not dampen the enthusiasm of the police nor relieve them of all participation for they have much to give and much to gain.

### *Special Interests*

The police have something very real to give these children. Both should be on the same side of the law. The little boy with a white belt around his middle who waits on the corner and helps the officer lead his schoolmates to safety has definitely thrown in his lot with law and order. Haven't you often thought of this as you waited for your signal and compared their camaraderie with the more furtive manners of your childhood playmates? If this spirit can be attained in traffic control why can't it be extended to other forms of civic activity? In Cleveland a group of older boys, many of them gang leaders in the past, have been organized under police leadership into the South Side Improvement Association and some have already graduated into the ranks of scout masters. The idea is a fertile one.



Furthermore the courage and physical prowess of the police provide natural ideals for boys who are fascinated with jiu-jitsu, boxing and the other manly sports in which so many of the police excel. There is a saying that the service either makes or breaks a man and there are many splendid characters among the officers. They see life whole and they gain a tolerance and realism which have intrinsic value for work of this sort. Whether these values are developed as a separate form of leadership or incorporated into the programs of the organized recreation groups is a matter of technique which must be thought out and tried out with care, but they should not be pushed aside nor lost.

Participation in prevention is an excellent basis for a better relation for the police with the public and with the social agencies, something which has been sorely needed these many years. It removes the barriers of misunderstanding and serves as a highway for interaction. To be sure, it should not be exploited as a talking point for police publicity, but this is a minor matter and one in which the private agencies cannot be unduly critical.

For a long time we have known that there is something radically wrong in our American attitude towards the police. We have emphasized always the punitive and repressive features of their service, rather than the constructive and preventive side. Such a point of view inevitably denies the police adequate support, security in tenure and freedom from political pressure, and it renders them defensive and withdrawn. But safety talks in the schools, membership in coordinating councils originated by Mr. Vollmer in Berkeley, and preventive work by policewomen have all been factors in securing a better press. Where the police were once passive, they are now waging a more active campaign on the crime prevention sector and they are watching the barometer of public



opinion. The answer to the question "Is there a change in attitude towards preventive police work?" was unanimously yes, although one department felt that the change was more perceptible among the police themselves than in the community. Ten reported a definite program for publicity on crime prevention, including speakers for platform and radio, press releases and reports. In nine instances they have gone further and have organized committees to review and advise on their work and in many places the police are members of coordinating councils and councils of social agencies.

That the police are strengthening their public contacts through the medium of work with children is a phenomenon interesting and familiar to everyone in the correctional field, for juvenile probation has hewn many of the pathways for adult probation. These preventive services for children will undoubtedly prove the doorway for better police relations and for better social facilities all along the police line.

Good organization is an essential factor in a successful preventive program. Just as traffic and detection are distinct functions in the police department and rate separate units with staffs and facilities geared to their tasks, so it is with crime prevention, which has new techniques to develop, new standards to establish and community status to achieve. It is therefore pleasing to find that twenty-nine of the thirty-two departments report separate units for juvenile work. In twenty-four cities there are both policemen and policewomen in the preventive service, nine of these with two units, fifteen with service under one head.

Rank is important in so military an organization as a police department to secure equal rating with other bureaus and to make orders effective with officers of lower rank. Therefore it is gratifying to find that the dignity

of status has been offered to the heads of crime prevention units in twenty-three cities, fourteen having the rank of captain or higher, and two being deputy commissioners of police. Stability is another essential point and the replies showed that three units are established by statute, six by ordinance and twenty-one by special police order.

While police experience is necessary it must be supplemented by training and experience in social welfare, for the field is new and technical and requires understanding of behavior problems as well as knowledge of community resources. Seven departments report the use of regular civil service examinations which do not necessarily include these techniques, but seventeen have taken note of the social service implications and include special training and aptitudes.

There is special need for more emphasis on service for the individual case by trained case workers, for this is always the heart of the delinquency problem. Judging from the result of the questionnaires there seems to be a fear that the new emphasis on group treatment has lessened the interest and the facilities for treatment of the individual.

As in any new service, the units vary widely and there is need for uniformity and standardization in organization and procedure, stimulation of interest and clarification of aims and objectives. The fruit of experience in one community should be made available to another and the relationship between the police and other agencies in the correctional field should be worked out in a more orderly fashion, both locally and nationally. This is a service which might well come from the International Association of Chiefs of Police through the employment of a professional staff member fully acquainted with the field.

Crime and delinquency are nothing more than be-

havior—behavior unacceptable to society at a given time and in a given place. But to prevent behavior of one type and encourage that of another is a matter of the utmost complexity and its area covers everything we know about the individual and about society, both normal and pathological. Therefore the battle of prevention must be carried on along every front of human endeavor and like the battle for health, it must be waged as near the source as possible. Much of our emphasis and most of our money have gone into the care of prisoners long after the damage has been done. The establishment of really good crime prevention units in police departments moves our defenses nearer to the front line and uses as ammunition the understanding and technique which the social sciences have developed. These units are new and they are struggling with difficulties from within and without, but they have tremendous potential value and they merit the interest and support of every one in the correctional field.



## The Role of the Private Agency in Crime Prevention

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CRIME is a legal term for a social problem. It is an individual's expression of the external and internal conflicts that beset him, a phenomenon that has its roots in the total environment and its reflection in individual and group conduct. We know more about the causes of crime than we yet know about treatment, but years of experience have taught us that any effective treatment and hence any sound concept of prevention must be all-inclusive, as broad and deep as the community itself, involving both the individual and his setting.

Years ago when we thought of a crime as a purely personal matter, treatment methods were comparatively simple for they were based almost exclusively on a relatively few factors within the individual. Now that we view it against the background and as a part of community and home life, there is danger that the pendulum may swing too far the other way and the idea of crime prevention become as cosmic as the universe. We must remember, however, that the universe is made up of constituent parts that have a relation to each other and to the whole, and that the whole is usually best modified through its parts. Our job in crime prevention then is to envisage the kind of community within which crime will be at a minimum, and to do what we can to modify its various parts or units to that end. We are pretty well agreed as to the type of community we need, or at least as to what factors in it should be eliminated, thanks to

those who worked so long on the individual approach and whose studies are largely responsible for this broader view of crime we now hold.

Among the basic units in the community subject to modification, if the objectives of a relatively crime-free community are to be met, are of course the home, the school and the church, public and private welfare and health agencies, and the organized agencies of law enforcement. The assignment of this paper is to suggest the role of health and social agencies in these changes and to indicate the need therefor.

It would be simple to open and close this discussion with the statement that social and health agencies can best prevent crime through a more effective performance of their primary functions, whether they be family service, institution care, homefinding, recreation or public health, but that is not enough. It is not enough because there are certain fundamental processes which social and health agencies must initiate and keep constantly in motion in order to determine what their primary functions are and how they can be related to those of other agencies in the establishment of a closely knit pattern of essential services.

Social work is experiencing two of the greatest tests to which it has ever been subjected: the economic depression, and the concept that our economic, industrial and social life—in short, our total culture as reflected in every neighborhood, town, and city—is the incubator within which individual maladjustments are hatched and nurtured. The prevention of crime then is inherent in the purpose of every social and health agency, for we realize now that the factors producing crime are essentially the same as those that engender poverty, illness, unemployment and the whole category of ills with which social agencies are constantly dealing.

Both the depression and this concept demand a re-

evaluation and analysis of every agency in relation to the total range of community services and needs, and a study of the extent to which agency programs are built around the fundamental causes of delinquency and crime.

### *Do Agencies Sense the Situation?*

The first question then is whether our social and health agencies have fully sensed this situation and are modifying their programs accordingly. We know, for example, that manifestations of delinquency may be noted at an early age; that the attitudes of even very young children toward those in authority, their play groups, and toward property often give early and accurate indication of what may later become antisocial conduct. Do these facts really influence the development of social agencies and their programs?

We have learned that excessive aggression or withdrawal, particularly during adolescence, is usually a danger signal to be noted and skilfully dealt with, and yet our present range of social services include but meager facilities for youth, let alone those who require intensive treatment.

Experience shows that a much higher per cent of overt delinquent acts are committed by boys than by girls, for the former usually give evidence of their maladjustment through the medium of gang or group activities and offenses against property, while girls are prone to emotional and temperamental difficulties. Do these and similar findings form the real basis for program building?

We know that crime is essentially a young man's game and that crimes against property are in excess of those against persons particularly insofar as young people are concerned. Almost 50 per cent of the male felonies recorded every year, for example, are committed by young men under twenty-five years of age, and our prisons are

populated to a large extent by the same age group. The Uniform Crime Reports for 1938 issued by the Federal Bureau of Investigation show that more than two-thirds of the crimes committed were crimes against property, with larcenies and auto thefts leading in this category. The reports show further, incidentally, that in cities of 250,000 and over there is proportionately more crime of every type than in towns with populations of under 10,000, the large cities showing 2.8 cases of criminal homicide per 100,000 of population, as against 1.6 per 100,000 in the small towns; while in larceny the large cities show a rate of 235.9 cases per 100,000, the small towns record only 121.8. These figures and this type of information are indicative of the data that should be constantly at the finger tips of every social and health agency in the country if their programs are to be founded on social realities.

Composite descriptions are often misleading but the following picture may be regarded as a fairly accurate summary of some of the more important facts here cited as seen in the "typical" criminal. He is a young man under twenty-five years of age, the product of a broken home and a slum area. He is native American though his parents may have been born in Europe. He is without a trade or a high school education but has an average intelligence or better. He is fear-ridden, insecure, conflicted. He and his family have been under the care of social agencies for years and he has been an habitué of various group work programs. He has spent perhaps a year in a foster family home, two years in a children's institution and a longer period in a reformatory. In every sense of the word he is a deprived individual, and as a gunman he is engaged, in spite of all the laws on the statute books, in satisfying the conscious and subconscious needs which his home and community failed to supply.

All these things we know, but what do they mean in terms of modifications of present programs? How can social agencies with facts like these before them become more effective in building the kind of community where crime will be reduced to a minimum? Crime prevention as a process and a program may be divided into three main classifications and social and health agencies have a part to play in each.

### *Three Way Crime Prevention*

The first includes activities which have to do with the control and treatment of those already in conflict with the law and who need care and supervision for their rehabilitation and for the protection of society; the second covers the education and training of potential delinquents or criminals, in much the same way as we provide for those who have been exposed to tuberculosis; and the third classification includes activities addressed primarily to those factors which contribute to the origin of crime and delinquency and which cannot be dealt with exclusively on an individual basis; among these are bad housing, child labor, public health problems and dishonest government. Also included in the third classification are the activities directed at joint social planning and other cooperative ventures between social and health agencies and between these agencies and civic and governmental bodies.

It is obvious that the activities in the first classification fall primarily within the scope of the legal and law enforcement agencies, and yet we have seen important changes brought about through probation and parole and in courts and prisons where the case work philosophy has made its influence felt, and there are further obligations here for social agencies, many of which are not as yet even recognized. Agencies may not be able to send workers into the adult courts at present, but neither can they



ignore the problems therein and the lost opportunities for treatment and prevention. Over a million people pass through the magistrates' courts alone in New York City each year, for example. This means an average of 12,000 persons a year or 1000 a month for each magistrate. Hundreds might be salvaged if adequate court and probation facilities were available and if social agencies worked with the courts more closely.

The magistrates' courts of New York City, like similar courts elsewhere, are the courts of original jurisdiction for many charges. To them come all manner of first offenders from peddlers to prostitutes, from narcotic addicts to husbands and wives with marital problems, wayward youth, and the whole category of those charged with disorderly conduct charges; all are grist for the same mill. In and out they go year after year, many beyond hope, but many on the borderline and capable of rehabilitation, and still others only beginners in a criminal career.

Recently news items and editorials in the press congratulated the chief magistrate of New York City on the fact that the magistrates' courts operated at a profit in 1938. A profit in cold cash perhaps, but in no other respect; not when thousands of persons are hustled through the court machinery without treatment, without study, even without attempts at referral; when boys are still herded in detention pens; when, in spite of the gallant efforts of a few magistrates, the women's court is still a court of punishment rather than a tribunal of treatment; and when, despite the pioneer efforts of others, adolescents are treated in the main like older criminals. Indeed, accounting of this kind when dollars are stacked against people calls for a social audit to determine whether the losses do not far outrun the immediate and superficial gains.

Though we have every right to expect more of the

Bench and the Bar than mere honesty, and to scorn an honesty that results in smugness rather than a quickened response to human needs, we cannot duck the fact that the initiative in this matter rests first on the shoulders of the social agencies. It is clearly their problem to face and to assume the leadership in solving, working hand in hand with progressive legal and civic groups.

### *The Potential Criminal*

The second classification of crime prevention activities includes the care and training of those who are potential delinquents or criminals. Institutions for children, foster family homes and adoption agencies, family case work and group work agencies, and child guidance clinics are all in daily contact with individuals who have been exposed to the kinds of influences and factors which make for delinquency and crime. When an agency places a child in a good foster family home; when a family society or church creates a better relationship between parent and child; when an agency places wisely a child for adoption or deepens insight and contributes in other ways to the protection of children and young people; when shaken security is restored and stability and confidence made to replace fear and conflict — all these things are of the essence of crime prevention.

It is worth repeating here that delinquency and crime indicate certain fundamental *deprivations* or *lacks*: lack of love that is the rightful heritage of every child; lack of guidance; lack of the conditions and the social groups that make for normal expression and growth. The role of social agencies is to supply as best they can these lacks in both the individual and the community.

In the face of this necessity social and health agencies face some rather sober questions; questions that should not be answered on the basis of what seems good for an

individual agency alone but rather in the light of what is good for the community. Among these are the following:

With public relief agencies giving their attention primarily and almost exclusively to the distribution of relief and with many private family agencies operating under a highly selective intake policy, how shall we care for other families who desperately need the ministrations of the case workers? Is it reasonable to expect that the public tax dollar can be stretched to furnish the relief agencies with an adequate staff of case workers to give this service, or should the private family agency *supplement* the public agency in this area?

You are doubtless familiar with the answers to this question; you know the philosophy on which the voluntary family agency bases its decision to accept for the most part only those who seek its services and whom it feels can profit by them. This decision has been reached thoughtfully and conscientiously but the problem of these other families remains unsolved and to some extent ignored, *in spite of the fact that most criminals according to present research emerge from families on or below the economic level of relief families.* There was recently prepared by a group of voluntary family agencies in one of our larger cities a statement of their main functions. In it there was no pledge to study the communities and the neighborhoods they served to determine where and what the greatest needs were. The emphasis was not even in that direction. It is encouraging to note, however, that in another and smaller town an experiment is being set up designed to "spot" for intensive and early treatment those families in the community which give indication of social breakdown. The experiment itself and the philosophy on which it is founded are described in a pamphlet just issued by Community Chests and Councils, Inc.,

of New York City. This procedure should be watched with the keenest interest by every student of crime prevention and by every family agency executive.

A second and perhaps equally important question that concerns social agencies in relation to crime prevention has to do with the relation between family and child caring organizations. We talk of the unity and sanctity of the family, of strengthening family ties, of keeping a child in his family if at all possible, and then belie our words in hundreds of communities by building even higher the walls which separate agencies dealing with children from those engaged in family work. It is trite to say that the factors which these agencies have in common are stronger and more important than those that keep them apart, but it is true; and it is equally true that agencies which are attempting to build up a case for separate entity as such are not presenting a common front in the war against crime and its origin. Again the emphasis is in the opposite direction.

### *The Community Side*

The third classification of crime prevention activities includes those which constitute a basic attack on the community aspects of the problem. It has to do primarily with ways and means by which social agencies can gather, collate, analyze and have constantly before them salient population, economic, industrial and social data on the neighborhoods and areas they serve. Such data together with material on the nature and causes of delinquency and crime furnish a sound and realistic basis for guiding social agencies in relation to such broad questions as housing, public health and the like; for studying the content of their own programs and the geographical areas where their services are most needed. Population data, for example, may include the incidence of disease and delin-

quency, mortality and unemployment rates, information on racial groups and backgrounds, the number in each age group and the like. Data of this kind should be the starting point, chart and compass for every agency in the community dealing with the rehabilitation of groups and individuals.

Certainly no one method could be more effective in focusing attention on the community aspects of crime and in encouraging and directing a unified community approach. We gather data of this kind at present, to be sure, but for the most part we either file them or hold them at arm's length for purposes of academic discussion. As a matter of fact they should be as much a part of our agencies as the budgets or the case records. Students in schools of social work and universities gain a point of view from such material and an intensive study of it that nothing else can give, particularly if the study of a given neighborhood is accompanied by field work assignments in the same area. Perhaps we shall see the day when required reading in a course on delinquency or crime will include such volumes as *Social Study of Pittsburgh and Allegheny County*<sup>1</sup> as well as treatises on individual treatment procedures.

As a brief example of how communities change and social agencies fail to keep pace with the changes, here is community X in a large city where a recent study revealed that in the last fifteen years the total population has decreased 10 per cent; the birth rate some 32 per cent, and the school population over 40 per cent. The population of one racial group alone has fallen off 50 per cent in the same period. The wage earning group between the ages of fifteen and forty-four declined materially, and the number in the age range above forty-five increased. These are only a few readily obtainable population facts and

1. Philip Klein and others *Social Study of Pittsburgh* Columbia University Press, New York, 1938

yet the record shows that for the most part the community went along blandly, trying to maintain certain agencies out of all proportion to the available children, while new needs remained unmet.

This brings us to consider how we can achieve on the basis of collated social data joint social planning which is, of course, at once the basis and the process of crime prevention. Social planning may be described as a community process through which pertinent and related facts concerning population, property, neighborhood development and social agencies are collated, analyzed and studied, and attempts made to influence the development of neighborhoods and agencies on the basis of the needs revealed by the population studies. It requires the full participation and cooperation, not only of the welfare and health agencies, both public and voluntary, but of town or city planning commissions as well, and the vigorous backing of private citizens. We have the machinery for social planning in our councils of social agencies and other federations and in the committee and group work techniques we have developed to a remarkable degree over a period of years. It remains for us only to use and by using to improve the means at hand.

While this paper cannot treat the vast problems of social planning, it may help to clarify our all too vague notions of it to say that the whole sum and substance of social planning in relation to crime prevention is contained in the story—a true story—of Jim Callahan though that is not his name. Jim was twenty-seven years of age when he went to the death house in Sing Sing. He was sentenced to die but he clung tenaciously to the hope of life and talked freely of his early boyhood as an East Side youngster; his exploits with the gang; his later adventures interpreted then as delinquent acts; of his first real conflict with the law. It was the old story—one


offense after another, jail sentences, an institution, the reformatory, then holdups and the escapade which resulted in a murder.

Your children and mine run with a gang. They too give expression to their conflicts and their impulses; they too have their problems and difficulties, but *in a vastly different setting*. In Jim's case the setting engendered delinquent rather than normal acts, and ordinary creative activity took on the form and shape of the cloak which surrounded it and within which it was expressed. The newspapers called Jim an "East Side hoodlum and killer" and hailed his death at the hands of the state as a major victory for society in its fight against crime. But Heywood Broun was right when he wrote, "When the long arm of the law shoots a 'Baby Face' Nelson it only kills a criminal." We know that Jim's death did not wipe out the slums that helped produce him; we know it did not bring stability and security to children already on the road to crime; we know it brought no relief to those already suffering from deprivation.

When Jim went to the chair he left a wife and an eight year old daughter. The essence of crime prevention, all our philosophy and technique, all our education and judgment are bound up in the single penetrating question as to whether society—specifically New York City, can save this child. Crime prevention is just as simple and just as complex as that. To save her will require a full and penetrating knowledge of the neighborhood and all the factors that make it what it is; intensive knowledge and treatment of the people who live there, and the closest cooperation and the most skilful planning by social and health agencies, schools, churches and governmental units, that man can devise. *It can be done*—but not unless we forget our agencies as such, and keep an unfaltering eye on the child.



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## The Role of the School in Crime Prevention

HELEN E. WESTON

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IN talking about the role of the school in the prevention of delinquency I am basing my presentation on the structure and the experience of Rochester about which I have inside information. In a city of approximately 338,000 our public school system provides educational opportunity for 49,416 children—27,787 in its forty-five elementary schools and 21,263 in its eleven secondary schools. Into our schools come the children from the homes of the privileged and underprivileged, children of foreign born and American parentage, of different races and creeds, from semirural and congested neighborhoods, and from stable and unstable citizenry. In other words, we probably have an average American community of this size.

In such a community, then, what is the role of the school in the delinquency prevention program? As I describe what is being done in the one school system which I know intimately, I am paying tribute to the keen, socially minded, enthusiastic support and leadership of our superintendent of schools, James M. Spinning, and his predecessor, Dr. Herbert S. Weet, in whose day many of our special services were instituted.

As a visiting teacher I am speaking of the philosophy of the psychiatric social case worker functioning in a school setting. It might be thought that this philosophy is quite different from that of the educator, but as we coordinate our activities with those of other groups within



the schools, we, as visiting teachers in Rochester, are continuously conscious of the permeation of education and social work with a similar philosophy. This correlation you will see as I speak of the various aspects of the total education program which bear directly on our subject.

The Rochester program may be considered in two sections, the general training which is prescribed for all children, and the specific services aimed to assist deviates on the basis of special needs. Both phases accept the function of education as a preparation of the child to live his adult life well while helping him to live his childhood successfully. Education in its specific programs is relating itself intimately with the individual child, his problems and growth, as well as his acquisition of the required fundamental skills. Education today has become something more than an academic venture based on the mastery of the three "R's." Curriculum revision from the first through the twelfth year now directs all teaching activity toward varied and life-centered experiencing. This revision is the result of group studies and is the work of teacher committees functioning continuously from year to year. It is putting into active practice the belief that education is continuous in and related to the process of living, and that the school has a direct responsibility for developing constructive social attitudes which are the outgrowth of social living within the school, or as the White House Conference puts it—"the school is quite as responsible for formation as for information."

A triple-level curriculum has been set up for each grade to meet more adequately the need of the individual child according to his ability, i.e., whether he is slow, average, or rapid. As a result of the psychological group testing of all children at the completion of kindergarten, third, and sixth grades and in conjunction with standard-

ized educational tests; better grade groupings are possible. Thus the grade teacher knows in advance something of the mental abilities of the individuals in her class and can work more satisfactorily with them as a group. Where the curriculum meets the need of the individual child, all other things being equal, non-attendance problems grow fewer.

The continuous progress plan of promotion utilized in Rochester's elementary schools, while it offers many administrative difficulties and has weaknesses, does recognize that individuals travel at different speeds. It does not set a certain date at which every grade student must have finished the grade course. It takes into account that individuals learn at varying rates of speed even as the tempo of their walking differs. So it does not penalize the child who needs forty-five weeks to do what another does in forty weeks of work by asking him to start all over again. While he may not complete his seven grades under nine years, which happens in relatively few cases, he has not been experiencing disheartening failures; and incidentally the percentage of over-ageness per grade has been greatly reduced throughout the system. Remedial teachers make it possible for the child needing more special help than the grade teacher can give to receive the extra tutoring necessary. In obviating the sense of failure we are increasing the possibility of constructive personality development.

Some of the competitive sting has been removed from report cards with the substitution of a check beside the proper classification, "Unusually Good"—"Satisfactory"—"Needs to Improve," for the old percentage or alphabet ratings which most of us received. Now the report card is designed to show the child's individual development and the progress in growth he has made since the last marking period. Social attitudes and habits are eval-

uated. Such report cards call the attention of the teacher and parents to the fact that the school sees growth, social attitudes, and living together as the student's most important attainments.

In our secondary schools attention is quite specifically focused upon crime and the prevention of delinquency in the social studies field. Recall for a moment, if you will, your own educational experience in social studies or civics, history, geography, economics, and sociology which were the social studies of our high school days. How intimately did the theories you studied seem related to your living? How responsible did you feel for changing or continuing them? And this was before the *laissez-faire*, let George or the federal government do it era. Possibly in our answers to these questions and in our state today there is real relationship.

Scan with me today's course of study for social studies in the ninth and twelfth years, their objectives and subject matter as it deals with our general topic of discussion. Our ninth grade social studies course introduces the student to the contemporary world and "aims to throw more light upon the characteristics and problems of life today, beginning as early as possible a study of the social framework within which these problems exist. It is hoped that pupils will develop a deeper insight into the importance of environment and heredity and a keen consciousness of the inter-relations of self and everyday society."

The twelfth year social studies course specifically deals with modern problems. I am risking over-stressing the social studies part of our program which bears on our subject, crime prevention and the role of the school, by quoting in full the objectives of this senior year required subject:

1. to help the student in the development of a constructively critical attitude toward himself and his aims in life;

2. to provide the student with the beginnings of a yardstick for the measurement of his own behavior and that of the various groups to which he belongs;
3. to build in the student an attitude of facing realities—realities in the form of constant and variable problems of society as they are related to him;
4. to induce in the student a growth of tolerance as a tool for better living and as a criterion of his social intelligence;
5. to develop the student's realization of the fact that society is a vast, complex pattern resulting from the ceaseless interaction of groups and individuals; that in a democratic society each individual *must* recognize a proper "duty-right," "obligation-privilege" relationship;
6. finally, to prepare students for citizenship which is active, not passive; creative, not destructive; intelligent, not ignorant.

Here and there I picked some of the sample questions listed for consideration in developing these objectives. For instance, "What pressures in our modern industrial society sometimes force people to do the wrong kind of thinking? What ones perhaps make them immoral? What ones tend to make them criminal?" Another set of questions: "Crime is a social disease. What does that mean? Make a chart showing the growth of crime in the United States from 1900 to the present year. Do the same for Rochester. What conclusions can you reach?" Still another: "What do Americans pay for crime in terms of direct and indirect financial loss and the real cost socially? Why is the problem of juvenile delinquency so important? What weaknesses in the individual or the social environment provide motives for delinquency?" We believe such courses of study are definitely helping pupils to assume responsibilities for group welfare and indi-

vidual initiative in group action. This is vital if we are agreed that the function of the school is to develop social understanding and individual social responsibility.

I shall not take the time to speak of our vocational guidance program which reaches each student and helps him direct his course toward the business of earning his livelihood by utilizing in preparation the abilities and aptitudes which are his. The vocational and trades training courses are gradually coming into their own in community recognition and acceptance. This has been a slow development, coming with the forced realization that only a small percentage enter further institutions of learning and the greater group go directly into industrial life. It is also true that vocational courses offer a greater interest range for the pupils who used to be lost in the abstractions of the purely academic program. This only means that their mental abilities were different not necessarily lower as has been so often hastily concluded.

### *Recreation in the School*

Our recreational program, an extension of our health education department service, has built up a splendid individual participation program which develops each child so that he may get the most out of recreational activities and sports, and this with no thought of inter-school competition as a goal. Student government, honor societies with their self-determined codes for conduct and manners, adult and student forums under our adult education department are all excellent activities contributing greatly to an active student participation in social life situations. These should not be passed over casually for thus are our character building efforts integrated with school activity and student life.

Extra-curricular club activities begin with craft and

hobby clubs, natural gang groups, scouts, Y's, and the like in elementary grades and go on into the varied and specialized interest groups of the secondary schools. These enterprises make possible a closer integration between the school and community forces for good.

Let me tell you the story of the Pee Wee Club, our youngest club in an elementary school. It grew out of a visiting teacher's interest in a small, second grade, so-called problem boy, Arthur, who had his teacher baffled by his behavior and what to do about it. He was destructive of school property and did not get along with his classmates. He told the visiting teacher that no one liked him at school or at home. The one pleasure he had was throwing snowballs at street lights and passersby. With his gang this was a major interest. He confided that when the snow went they would throw mud and stones. When they grew older they would chase folks with guns.

This childish bravado might have been overlooked but coupled with his feelings of general rejection the visiting teacher saw a potential delinquent getting under way. A leader was suggested for his gang and Arthur seized upon the idea and named for the visiting teacher eleven possible terrors who might be asked to belong. A WPA traffic squad youth became leader of this natural gang group of first to third grade youngsters whose members prided themselves on being toughies. Their activities followed the group interests and soon there were pressures from others to be allowed to join. Then teachers questioned whether clubs and special privileges should be granted "bad" little boys. From the health education department recreational division leadership was promised for any natural gang wishing it and that quieted the criticism. The group met in the school building until weather permitted outdoor activities. A picnic held this week brought the recreational director and visiting teacher as

guests, and from them I obtained the words of the club song sung to the tune of "Solomon Levi":

We are the little Pee Wee Club  
You hear so much about  
The people stop to stare at us  
As we go marching out.  
We're noted for our cheerfulness  
In everything we do  
Most everybody likes us  
We hope you like us too.

As we go marching  
And the band begins to play,  
Boom—boom  
As we go shouting  
A bunch of little Pee Wees  
Are on their way, zoom, zoom.

Even if Arthur and his nine little rebels were not fitting more happily into school groups, and they are, we should not be unwarranted in feeling that a more socially acceptable goal has been substituted for a gunman's career in Arthur's mind at least.

I should not leave a description of the general program touching all our children without mentioning the recent crime prevention pamphlets which went into each home through the school after due build-up in each classroom. This leaflet was jointly sponsored by the Chamber of Commerce and forty-four Rochester social and business agencies. Directed to parents, it indicated specific ways in which parents can help and are responsible for preventing crime. These ways were listed in four groups: you can safeguard your own property; you can cooperate with the police and the law enforcement officers; you can help protect your boys and girls from harm and keep them out of trouble; and you can set a good example in the home, neighborhood, and community. A pledge form to be signed by the parents indicating their wish to do



all they can to prevent and reduce crime in Rochester ends the leaflet. Large numbers of these have been returned to the schools, showing that parents have at least taken time to read the material and are interested. Of course, one is never able to evaluate such pledging.

### *Individual Problems*

Let us now consider what specific program exists in the Rochester schools to deal with the individual child who may be showing potential pre-delinquent tendencies. These tendencies show themselves as overt behavior which is not socially acceptable. Since we know that behavior is the individual's selected mode of adjustment bringing him satisfaction in his situation, we have become concerned with why he turns to antisocial behavior rather than the behavior generally acceptable to his fellows. We have learned that a feeling of being different from others is most often at the beginning of a child's deviate behavior. Consequently, our school system has set up numerous specific services to meet individual special needs and remove as far as possible the outstanding differences which present overwhelming adjustment problems to the child. There are special classes for the hard of hearing, for those with sight difficulties, for the mentally limited, and for the physically crippled or handicapped. An individual health training program functions for those having remediable physical defects. An attendance department handles the problems of non-attendance. A child study department, in addition to its classification interest, carries on a clinical psychologist's testing program, making recommendations to promote better adjustment. A part time psychiatric clinic functions as an adjunct to the visiting teacher and child study departments. The visiting teacher department carries on the social case work aspects of dealing with individual children with problems. All



these services are a part of our so-called "Child Services" and function in teamwork fashion under a coordinator. These are the forces in the school actively charged with discovery of potential personality warpings in their initial stages. They are functioning because we believe that time, effort, and money spent at this end of the individual child's problems save society countless sums for institutional and protective care, to say nothing of contributing to greater individual happiness.

Historically the visiting teacher department in Rochester was the first such department under a board of education. Since 1913 visiting teachers have served elementary schools in Rochester. At present fifteen visiting teachers, two students in training, a part time psychiatrist, two secretaries, a dictaphone operator, and the director comprise a staff offering social case work service to our forty-five elementary schools. Visiting teacher service has been granted for an experimental period to one of the high schools. Danforth Fund eyeglasses applications and Children's Memorial Scholarship Fund applications, and counseling are also a part of the department's service. What is the function of these psychiatric social case workers or visiting teachers within one public school system? I quote from the 1936 report of the department to the board of education:

In a school system which appreciates the necessity of dealing differently with individuals in accordance with their individual differences, the visiting teacher is an essential member of the school faculty.

Principal, classroom teacher or other school personnel, parents or interested persons within the community, and case workers in social agencies refer to the visiting teacher school children showing some evidence of maladjustment or of need for individual attention to insure all-around growth. This maladjustment may show itself in behavior in the school or outside which is aggressive, defiant, or antisocial; or in personality deviation such as timidity, withdrawal from social con-

tacts, outbursts of crying or of temper, undesirable habits such as thumb-sucking, tics, or failure to work to capacity. Some children are referred because their physical appearance suggests inadequate supervision in the home; some in order that recreational opportunity or special training to develop a talent may be secured.

The visiting teacher sees all behavior, whether aggressive and so destructive to the group, or recessive and so destructive to the personality of the individual, as indicating that needs for healthy emotional development are not being met. She is trained to study the child as the school sees him, through conferences with the school personnel and recourse to school records; as the family sees him, through conferences with the parents and visits in the home; as the community sees him, through conferences with case workers in social agencies who may know him or his family; and as he sees himself, through interviews with him. As a result of her study, she has a picture in cross-section of stresses within the immediate environment to which he is being subjected, and of the way in which he is reacting to them. She has, in addition, a longitudinal picture of the development of his personality over the years.

The visiting teacher coordinates for the principal the findings of other school personnel within the school: health factors as evaluated by the nurse and health education teacher; intellectual factors as evaluated by the psychologist; classroom progress and behavior as evaluated by the teacher. The visiting teacher obtains an understanding of the child as a whole in his school, home, and community setting, and a knowledge of the factors which have made him as he is. On the basis of her study of the whole child, the visiting teacher plans with the principal and other school personnel to meet this child's growth needs in such a way that the behavior which has occasioned his referral to her may become unnecessary to him, and his healthy personality development be insured.

Adjustments within the school are effected, such as change of grade placement or modification of program. An interpretation of factors contributing to a maladjustment is made to the teacher in order that she may work out ways of meeting the problem within the classroom. Adjustments within the home are effected through the visiting teacher's conferences with parents. Occasionally she finds it sufficient to suggest to them certain modifications in dealing with the child, but often interviews are needed over a long period of time to help them with *feelings* about him which may keep them from doing what they knew they "ought." The visiting teacher works closely with

resources within the community, calling on health and psychiatric agencies, recreation groups, child placement and family welfare organizations in the interest of the individual child. She finds opportunities for training in art, music, or other cultural fields for children of talent. She is in a position to interpret the school to the home and to the community, and to interpret home and community to the school. In addition to effecting the most favorable possible environment for growth in the ways noted above, the visiting teacher attempts through interviews with the child to help him understand and take responsibility for himself.

As she works with individual children she becomes aware of community needs to insure all-around growth of school children. She serves frequently on committees interested in developing playground facilities or in considering community practices or legislation affecting the welfare of school children. She is a member of and meets with social work groups in the city, interested in furthering the welfare of the community as a whole. She takes part in activities within the school, such as Parent-Teacher and teachers' meetings.

The visiting teacher seeks to effect social change when it is needed in the interest of all children, at the same time that she works closely with individual children. She aims, through her work, not only to prevent neuroses, delinquencies, and mental breakdowns in later life through attention to early life experiences of the more seriously disturbed children, but to promote vigorous personality growth in all children referred to her, to the end that they may be able to use opportunities offered by the school and community for development toward happy and effective citizenship.

A case resume will illustrate visiting teacher activity within the school:

John at ten is the proverbial nuisance in the fifth grade. He clowns, idles, sulks when he doesn't get his way, and keeps the grade generally disturbed. He tries the patience of the teacher and isn't doing the work of the grade although he gets by most of the time. He has recently been doing some stealing in the neighborhood, culminating in the taking of a bicycle. The visiting teacher finds him a most interesting boy who knows just how to get the teacher's goat and delights in it. He has many ambitions and interests. He is full of plans and excitements. There is a kind of damper put on these when his parents are

mentioned and then he confides that they think he is dumb because he doesn't get as good marks as his brother.

Talking with the parents the visiting teacher finds that John has been right in believing his parents think him stupid. They are both well-educated people and expect him, their oldest boy, to carry on the family college tradition. Every instance which doesn't fall in with this plan brings concern and shame. Meanwhile John, falling behind in his grade, tries to get attention and acceptance in other ways and gets in addition parental disgust.

Arrangements were made for a psychological examination. With the results of this in hand, the visiting teacher could bring reassurance to both John and his parents. The examination showed a boy with superior ability. On the basis of this John was placed in another grade which would be stimulating to him. The teacher's interest was enlisted, and remedial help was obtained. The whole picture was discussed freely with John and the details of the plan and his responsibility explained. He took it over eagerly.

In the weeks which followed he came often to the visiting teacher to tell of his progress and trials. He came to the visiting teacher one day not long ago after his parents had been to a Parent-Teachers' meeting and talked with his teacher. John was aglow with pleasure—"Jeepers," he said, "My father said, 'How could this boy have fooled us into thinking him dumb?'"

### *Extent of the Service*

So much for an actual example of visiting teacher functioning in schools. This case had in it possibilities for such maladjustment that, uncorrected, society was scheduled to pay a large bill in the loss of John's potentialities. In this case visiting teacher service so functioned that the individual was able to hurdle his difficulty and continue his development. Without this service it is reasonable to believe we should have seen growing in our midst the neurotic personality whose management of his life problems creates so many costly hazards for society. To have in any way contributed to the reduction of this cost by enabling one human being to live more satisfactorily with himself and others seems to us adequate reason for being.

John shows the importance of factors in the life of a child that interfere with the attainment of necessary self-respect and self-confidence, and he indicates how a delinquent act may emerge as a compromise form of activity which partially satisfies some of the individual's strivings.

For those statistically inclined I quote figures. During the past nine months visiting teachers have carried 4285 children, representing some 34,840 contacts with children and interested adults. These figures do not include the Children's Memorial Scholarship Fund's case load of 82 (at the present time) with the contacts and counseling thereupon involved. Between 93 and 94 per cent of the new referrals during this last year have come from school personnel and approximately 67 per cent of these referrals are of children presenting personality difficulties showing in overt behavior symptoms.

Wherever the mental hygiene movement has touched and influenced education school personnel have become more aware of the problems of personality development. Consequently today the visiting teacher is no longer assigned to work in the underprivileged neighborhood since the "Avenue" has an equivalent percentage of behavior and personality problems. Teachers referring children with problems to the visiting teacher discover other treatment techniques to utilize for the benefit of all in other classroom situations. There is always a waiting list for visiting teacher time and assistance.

A very close cooperative relationship exists between visiting teachers and the community social agencies. Both agencies and school folk are aware that the visiting teacher has been the instrument bridging the gap in understanding between them.

You may ask for definite proof that the schools' program and especially visiting teacher service is cutting down delinquency in this community. Of course I have

no such positive evidence. It may be in the drop in our juvenile court figures over those of ten years ago when our treatment emphasis was entirely environmental. I have been told that Rochester boys in institutions have the reputation of being difficult, the inference being that the hopeful ones are handled in our community. For several years no gang of hardened juvenile delinquents has been uncovered although they have been found in nearby towns. Visiting teachers learn early of any pre-delinquent group in the school neighborhood and through their own efforts and the cooperative help of other agencies turn it into constructive channels. In the school community we see the "bad" boy of a year ago the acceptable classroom citizen of today. This happens too often to be mere coincidence, and we are convinced that this is a constructive service for the individual child with his problems and for the school and community.

I have presented you a picture of a school system, interpreting its role in crime prevention through its activities. You, as we, see many gaps, weaknesses, and strengths. Other school systems may be finding other ways of meeting this problem. We in the Rochester schools accept our responsibility as constructive agents in the prevention of crime and shall carry on in this direction as long as the citizens of our city and state permit us to do so.



## Adequate Care for Defective Delinquents

JAMES HOGE RICKS, *Judge*, and A. CLAIR SAGER,

*Probation Officer, Juvenile and Domestic  
Relations Court, Richmond, Virginia*

ONE of the most difficult problems confronting the juvenile court judge and all those working with defective delinquent boys and girls is the matter of care for these handicapped children. This field has been somewhat neglected in literature on delinquency and I have found very few experimental signposts as guides to an adequate program of treatment. In twenty-three years of experience as judge of a juvenile court, I have personally found the problems presented in this type of case offer the greatest difficulty of solution, mainly due to the lack of experimentation and consequent lack of adequate facilities.

Feeling a keen sense of my own inadequacy to treat this subject in the comprehensive manner which it deserves, I requested an expression of experience and thought from other members of the Association of Juvenile Court Judges of America and I wish at this point to give credit for any constructive ideas herein presented to those of my confreres who so graciously responded to this appeal.

There is a striking unanimity among the judges who responded to the post card questionnaire sent by the executive secretary as to the major problems involved in dealing with mental defectives who become delinquent, and as to the best methods of disposition and treatment.

Judge Harry L. Eastman of the juvenile court in Cleveland, Ohio, said:

Ohio has no institutions for defective juvenile delinquents. Our institutions for epileptics and for the feeble-minded are



overcrowded, are unwilling to receive delinquents and have not the space to make special provision for them. We secure the admission of a few cases but only after long delay and argument. We were compelled to hold two feeble-minded boys who were confirmed arsonists in our detention home for six months before we could secure their acceptance. Other cases we are frequently compelled to hold three or four months and then are not always successful in securing admissions. The state industrial schools make a practice of returning the feeble-minded and the mentally unstable to the local community.

The feeble-minded delinquents are seldom proper subjects for probation. Our problem is almost wholly with defectives of the type that needs institutional care. Our public school system furnishes excellent special classes for those who can remain in their own homes, and local clinics and agencies give us excellent cooperation. We have no institutions to care for those mental cases that fall short of the legal definition of insanity. The psychoneurotic, the incipient schizoid or dementia praecox, and those borderline cases of mental illness that could benefit by and should receive medical and psychiatric treatment in an institution are completely ignored by the state. Only when they have gone wholly insane and have committed some very serious felony are they eligible to the only existing state institution—the hospital for the criminally insane.

The magnitude of the problem is indicated by a study of the children admitted to the state industrial schools of Ohio in 1931, by Dr. C. H. Growden and Dr. C. H. Calhoun of the Bureau of Juvenile Research of that state. They recommended as a result of that study that 74 out of 1004 boys and 55 out of 313 girls should be transferred to the institution for feeble-minded, and observed that these children should not have been committed to the industrial schools in the first place. They said: "The care and training given at the industrial schools is entirely unsuitable for these children. Many of these will require either several years training at the institution for feeble-minded or permanent custodial care."

Judge Clark Higbee of the probate court of Grand Rapids, Michigan, thinks:



The problem, to be successfully attacked, must begin before the defective reaches the juvenile court.

Inasmuch as two per cent of any state's population is defective and may some day be classified as delinquent, the problem is too immense to hope for more than a fractional solution. The present day home for the feeble-minded shies at receiving the delinquent. He just doesn't fit into the routine of the institution. His taste of crime unfits him for the simple childlike world of the mental hospital. He becomes the runaway and the disciplinary problem and the general headache for the superintendent.

No program of hospitalization will keep pace with the birth of defectives unless the country becomes eugenic-minded. We are seeing fewer defective delinquents in Kent county each year because of our sterilization program.

Says Judge John F. Baker of the probate court, Flint, Michigan:

Our state has not as yet made any adequate move in handling defective delinquents. I am assuming that this title does not cover the feeble-minded as we have an institution to which they are committed.

I have come to believe that what every state should have is a large farm equipped for handling the above named cases, not only juveniles but adults as well, taking them entirely out of society and making use of them as far as their abilities will allow in earning their own living, at the same time protecting society from their unsocial acts.

Judge Rulon W. Clark of the juvenile court of Salt Lake City writes in part:

We are experiencing some difficulty with our defective delinquents since we have no psychiatric clinic available for our mental defectives. We do receive considerable assistance from agencies and state institutions in caring for these cases. We are attempting to obtain better psychiatric service by organizing a clinic.

The Salt Lake City schools have been very helpful in adjusting their mentally retarded children, since they now have instituted a personnel department with trained case workers; and they are making an attempt to adjust defective children in programs which they can handle. Special classes have been organ-

ized for retarded children and special work is given in the senior high schools for those unable to carry the regular school curriculum. If a child is seriously defective he is committed to the Utah State Training School for the Feebleminded.

If our difficult cases of delinquency are unable to be controlled on probation or in foster care, they are committed to the State Industrial School where suitable detention and training are provided. A delinquent child may be transferred to or from the State Industrial School. Such transfers have proved effective and we have thereby been able to solve some of our more difficult problems.

**Judge Peter Holliday of the juvenile court of Macon, Georgia:**

Several years ago a psychiatrist from the State Hospital for the Insane came to our city and held a weekly clinic. Through this arrangement we were able to gain many valuable suggestions regarding non-institutional treatment.

Regarding institutional treatment, we have a state training school for mental defectives with a normal housing capacity of less than 300, a population on the first of last month of 331, and pending applications numbering 375. During the preceding month there were two admissions and three dismissals. These statistics do not disclose the entire need because in a great many cases application for admission to the school is not made for the reason that it is known to be useless.

**Judge Donald E. Long of the court of domestic relations in Portland, Oregon, writes:**

Although numerically this group is a small fraction of the total boys' and girls' problems reported to the court, the nature of the study and treatment required is such that a specific technique should be developed for them. For instance, a seventeen year old boy was recently deported from Canada to this jurisdiction. Prior to sending him here he had been committed in the Province of Ontario to an institution for the mentally ill. This was done at the instigation of the adoptive father in order to prevent the boy from being sent to a training school or reformatory on account of persistent delinquent behavior, including larceny and burglary. He had been committed to two other institutions in Canada for younger delinquent boys and ran away from both several times. Our clinical study here

showed him to be definitely feeble-minded with a possible predisposition to paranoia. He is not eligible for our State School for the Feeble-minded; he cannot be admitted to the State Hospital for the Insane because his mental condition has not developed to the point where that would be advisable.

The boy is typical of the children who come to the attention of the court with problems of this nature, for whom there is no adequate resource provided. I believe that our needs in this direction could be met by the addition to our existing facilities of two things:

1. A hospitalization unit where children could be given psychiatric and other clinical observation and treatment on a twenty-four hour basis for flexible periods of time, ranging from a few days to several months.
2. The establishment of a farm or camp under the direction of a trained, competent personnel where these acute personality problems could be treated on a long term scientific basis.

In 1933 Dr. C. C. Kirk, superintendent of the Institution for the Feeble-minded in Ohio, reported that in a study of 4586 cases 11.2 per cent were found to be defective delinquents. He stressed the urgent need for a special institution or a separate unit of a regular institution for individuals of this type and concluded with the statement that "the majority of such patients should be retained for life in institutions adequately equipped to prevent their escape."

In pursuing my study of this interesting subject, I wrote to the superintendent of our two institutions for the feeble-minded in Virginia. Dr. Arnold of the State Colony for Epileptics and Feeble-minded (white inmates) replied as follows:

In my opinion every delinquent child should have a complete psychiatric and psychological workup before he or she is brought before the judge of a juvenile court. For the delinquent of the aggressive type there should be a sort of penal farm to which he can be sent under an indefinite sentence. The farm should have a psychiatrist and a psychologist on its staff. The aggres-

sive delinquent defective should *never* be sent to an institution like the one of which I am superintendent. Such a delinquent can do more harm in an institution of this kind than a dozen delinquents of lower mental level. The problem is more penal than mental.

But of another type of defective Dr. Arnold says:

There is a fourth class of defective delinquents who are only now being recognized. They are the children who have recovered from attacks of encephalitis, but who have been left with almost no inhibitory power. They should be cared for in a hospital for the insane, where they properly belong as they are in no way responsible for their misdeeds.

Dr. L. L. Harrell, Jr., superintendent of the Petersburg State Colony for Negro Feeble-minded, agreed in general with Dr. Arnold's findings. He recommends:

Placement in a good boarding home wherever possible, and early institutionalization for the defective delinquent who will not adjust satisfactorily in a home. The institution should be primarily a training school. Ethical training is just as important as the vocational training.

For those defective delinquents who can never adjust satisfactorily in society, permanent institutionalization is the only answer. There are numerous high grade, defective delinquents who are a menace to society and a disrupting influence in a training school. All defectives in whose cases delinquency is the prime factor should be treated in an institution separate from those cases in which delinquency is not a prime factor. Eugenic sterilization of all defective delinquents is very important.

All judges are faced with the fact that superintendents of our training schools for delinquents continually point out that they are seriously handicapped in the carrying out of their programs by the presence of so many children who are subnormal. On the other hand, the superintendents of our feeble-minded institutions strenuously object to receiving the feeble-minded child of the aggressive

sociopathic type or with fixed, deep-seated delinquency trends into their institutions on the justifiable position that they are not correctional institutions and are not equipped to handle this type of case.

While there is some disagreement among authorities as to the nature of intelligence, we have long recognized wide individual differences in intellectual ability, ranging from brilliant genius to the total lack of mental ability. The physiognomic classification of intelligence types has been largely supplanted by distinctions based on the results made in intelligent tests, plus experienced psychological observations. This more accurate determination of the degree and form of intellectual deviations has paved the way for a rational program of treatment and prevention, the main phase of which I shall endeavor to outline. First, however, permit me to give you an illustration of intellectual deficiency provocative of thought, without attempting to classify it until later in the discussion.

### *A Case in Point*

Ruth, a white girl, first came before the court during July of 1923 when she was but eleven years of age, charged with numerous acts of stealing. During the next five months she was before the court several times for larceny. In December complaint was made of a whole series of acts of burglary and larceny. When questioned Ruth readily admitted stealing silver plate from a church, baby carriages, bicycles, express wagons, and several pocketbooks containing various sums of money which she spent. Examination at the child guidance clinic disclosed the fact that the girl had an I. Q. of 70, which placed her in the borderline or high grade moron group. She was found to be negative for psychosis or neurosis.

Very little of Ruth's background is known as the father was not in the picture at this time and the mother was extremely uncooperative. However it was learned that the father had deserted the mother prior to Ruth's birth, claiming the child to be illegitimate. An older sister had disappeared years before and her present whereabouts were unknown. Ruth and her mother resided at this time with a maternal uncle whose ap-

pearance and conduct indicated feeble-mindedness. The mother bore a doubtful reputation and had been accused by her husband of drug addiction.

Premised on the diagnosis available to the court at the time, probation was ruled out as impractical, as was also placement in a family home. It was doubtful if she would be accepted or would remain if so placed. She obviously had lacked training and discipline and showed every evidence of improper environmental conditioning to which she reacted. Consequently the only alternative open to the court under the existing facilities for treatment was commitment to the industrial school for delinquent girls. The mother appealed from the decision and the appellate court reversed it and permitted the child to return to her own home. She was brought before the court seven different times for acts of larceny during the ensuing twelve months. She was again committed to the State Department of Public Welfare and again the circuit court placed the child back with her mother. Finally after a series of larcenies of dresses and pocketbooks from department stores, the girl was sent by the circuit court to the state industrial school where for a period of six months she continued to be a serious disciplinary problem, disrupting the routine of the school and displaying marked traits of dishonesty and untruthfulness. Later, however, she appeared to develop some sense of responsibility, showing interest in certain activities such as sewing and dancing. She was paroled to her mother who placed her in a private school for girls. Soon she lapsed into her old habits, commencing with truancy, and within a few months, at the age of thirteen, was before the court for acts of sex delinquency. Examination disclosed she was badly infected with syphilis. She was returned to the industrial school as a parole violator. During the next three years she was alternately paroled and returned to the school three times.

In April 1929, at the age of sixteen, she was transferred to the Colony for the Feeble-minded, due to the fact that she had grown progressively more antisocial and difficult to manage. At the colony she was sterilized and shortly permitted to return to her home. Subsequently, and since passing the juvenile court's jurisdictional age limit of eighteen years, Ruth has been repeatedly arraigned in police court. In 1934 she was sentenced to the State Industrial Farm for Women from which she was later paroled, and in March of this year Ruth was again before the court on complaint of her mother, charged with being drunk and disorderly in her home. Since her parole from this last institution she had been drinking to excess and continuing her

sexual promiscuity. She was totally unable to support herself. Long time institutionalization was now recognized as the only solution, yet neither the Colony for the Feeble-minded nor the Industrial Farm for Women was willing to receive her back into custody. As the only alternative she was sent to a state hospital for the insane for a period of observation. The end is not yet in sight.

This case illustrates one of the problems which confronts us as judges when we come to determine the question of mental ability as related to responsibility for anti-social conduct, and proper treatment for the individual case. If a person is defective in some respect, is there not some capacity which might be developed? Is it necessary to institutionalize all such individuals? Could this girl have been trained so that she might have been an asset to society instead of a liability for all these years? What part has training toward social adjustment to play when we deal with such persons? Would a different plan of treatment by society have resulted in the production of a different adult? We have by no means finished our problem when we come to the decision that an individual is defective.

Psychological literature on the nature of intelligence is rather confusing to a layman. A great variety of opinion exists and as a result many different definitions of intelligence have been proposed. Not being a psychologist I shall not attempt to set forth the comparative merits of the various theses embodied in the respective definitions. Permit me in attempting to analyze Ruth's case to point out that modern psychologists make a distinction between feeble-mindedness and mental deficiency. Feeble-mindedness, they say, connotes social incompetence by reason of intellectual deficiency, while the mentally defective individual is one possessing low intelligence but who is not necessarily socially incompetent. Premised upon this distinction, the psychologists claim that if the



individual is socially immature and intellectually low so as to fall in the first classification, he can never learn enough to adjust. It would appear, therefore, that Ruth's repeated asocial adventures would indicate that from a clinical point of view she fell into the feeble-minded group and should have been committed in the very beginning to some appropriate institution for long time custodial care. This would have prevented much social ill and economic cost to the state.

The fact that this was not done points out two very great needs: first, adequate diagnostic service, including psychological-clinical examination, supplementary to psychometric testing; and second, additional institutional service for this particular type of defective delinquent.

### *New Understanding*

Next let us briefly consider the mental defective who is not necessarily socially inadequate. Modern research in the social sciences, particularly in psychology, genetics, biology and biochemistry, has revolutionized our thinking and attitudes concerning defective personality, especially in the subnormal intelligence group. It is not so long ago that we were debating in our schools and colleges the relative importance of so-called heredity and environment in the developmental life of the individual. Generalizations drawn from such studies as the Jukes and the Kallikaks, which were premised on the hypothesis that feeble-mindedness was a unitary, Mendelian, recessive trait, resulted in the conclusion that a large part of delinquency and crime was based on the inheritance of feeble-mindedness. This premise of necessity resulted in an attitude of negativism, pessimism and hopelessness on the part of workers in the field of individual reformation and social amelioration. Such an attitude was somewhat



analogous to that engendered in the minds of adherents to certain religious creeds which subscribed to the tenets of foreordination and predestination.

Then came the revolutionary discovery by students of genetics and subscribed to by most modern psychologists, that feeble-mindedness is not a unitary trait and is not always transmitted from parent to offspring as such. In the field of biochemistry it was discovered that offsprings are born with only general, basic predispositions, which may be fostered, intensified, modified or inhibited by environment. This generalization of course is modified in the case of physical or mental defect of a known hereditary etiology. However, the concept of environment was enlarged to include all external stimuli from the moment of conception through the period of gestation. Therefore causative environmental factors formerly classified as hereditary are now known to account for many stigmata of the so-called clinical feeble-minded. This discovery logically led to the conclusion that environment plays the greater role in the developmental life of the individual, physically, mentally and emotionally. The attitude of social workers and juvenile court workers changed from pessimism to optimistic positivism in their efforts to change human personality. The emphasis now became logically centered on modifying the environment of the individual. The great problem of crime and delinquency rooted itself in an underprivileged, dwarfing, stultifying environment, replete with subversive influences. The relation became more apparent between antisocial behavior and congested slum areas, bad housing, lacking of employment, submarginal incomes, lack of facilities for wholesome leisure time activities, and inadequate, passé, educational programs.

I do not mean to assert that some types of mental defect are not hereditary, but I do claim, and believe I am

borne out by the most recent studies of leading scientists, that the alarmist attitude of heredity protagonists of a few years back is now proved to be scientifically unsound. Most sociologists are convinced that mental deficiency in itself is not a primary cause of delinquency in the vast majority of cases. The problem of the mental defective is not wholly how to get rid of him nor how to prevent him from reproducing, but how to fit him into the social order. It resolves itself primarily into a problem of education and care.

Morgan in his recent treatise on the psychology of abnormal people points out that social attitudes and morality are learned. The mental defective may not learn morality by the educational methods effective with the normal person, but with different training he can be taught to be moral in most instances if the training is begun early enough.

Under the influence of the older theories of heredity, the only remedies advanced which gained widespread support were limited to segregation for life or at least during the reproductive period, and sterilization. Both remedies were pushed to the extreme by their advocates as the cure-all for all the ills flowing from mental defect. It was soon realized, however, that it would be impossible to obtain institutional accommodations on such a large scale, and it was further discovered that by no means all of the mentally deficient need institutional care either for their own protection or for the best interests of the community. There can be no doubt that institutional provision is basic to any modern program for the care and training of mental defectives but the role of the institution is different from what it was. Nevertheless the development of community programs for the training and supervision of mental defectives, far from diminishing the demands upon the institution, has actually in-

creased the need for special institutional facilities as indicated in the case of Ruth.

We have already suggested that universal sterilization is impractical as a measure of social control. If an undoubted diagnosis can be made distinguishing between the clinical feeble-minded and the asocial mental defective, the diagnostician is still faced with the greater difficulty of deciding whether, in the particular instance, the defect is of an hereditary character. Certainly there is no legal warrant for depriving an individual of the right of procreation unless these points can be determined to the entire satisfaction of the examining and administrative officials. And these are the very questions on which the best authorities in mental deficiency entertain honest scientific doubt. Sterilization thus fails to recommend itself in the present state of our knowledge as a measure to be generally applied. Dr. Davies in his book *Social Control of the Mentally Deficient*<sup>1</sup> says: "From the point of view of succeeding generations it appears doubtful that sterilization would reduce the number of mental defectives sufficiently to be of any general social significance, or to have any appreciable effect on expenditures for public control. From the standpoint of the present generation, sterilization can in no sense be a substitute for segregation, training and community supervision in the mental deficiency program."

When one passes from the general to the particular, from the group to the individual or case work viewpoint, sterilization does have a limited application, provided it can be sufficiently safeguarded against indiscriminate usage. However, this individualized program would hold no promise of producing any appreciable effect upon the extent of mental deficiency in succeeding generations.

1. Stanley Powell Davies *Social Control of the Mentally Deficient* Thomas Y. Crowell Company, New York, 1930

*Subdivisions of the Group*

Up until now I have been discussing the problem and solution generally, but for the purpose of embodying concrete and specific suggestions sent to me in the letters referred to earlier in this paper, permit me to particularize by dividing this defective delinquent group into three subdivisions, as follows: (1) the mental defective who knows no difference between right and wrong and is, therefore, asocial because he is mentally deficient; (2) the aggressively sociopathic, defective delinquent; and (3) what we may denominate as defective personalities. There may be other and more diversified classifications, but these are sufficient as problems necessitating immediate attention and constituting a challenge to all sections of the country.

First and foremost the emphasis must always be on preventive work. This necessitates early diagnosis so as to discover defectiveness and budding delinquency trends in their earliest incipency when an ounce of prevention is worth pounds of attempted cure later on. To accomplish this most worthwhile objective we must establish child guidance clinics in the cities, and traveling clinics in the rural areas in sufficient number to adequately study every child who displays any danger signals or stigmata. To make effective the service provided by such agencies we must have better trained teachers who know something of child psychology and are sufficiently well trained in the social sciences to become early aware of danger signals when they appear in the life and personality of the child.

A much closer cooperation between the school and the home must be fostered. The greatest agency for the accomplishment of this objective is the well trained specialist in child personality problems called the visiting teacher.

Much may also be accomplished through adult education sponsored and fostered by parent-teacher and other suitable civic and religious organizations. I have already stressed the necessity of revised educational programs and school curricula to meet the diversified needs of the subnormal child. I cannot overemphasize this need. Too long have we aggravated and stimulated the development of delinquency trends and abnormal conduct by our short-sighted and unscientific programs of mass education.

We come now to treatment suggestions for the advanced group of defective delinquents. The first group constitutes a large proportion of the mental defectives coming before the court and can be handled for the most part with our present facilities, provided they are increased as to capacity, equipment and trained personnel. These facilities include probationary supervision in the child's own home, foster or boarding home placement, and institutionalization when necessary.

Considering next those defective delinquents who are aggressively sociopathic, we find that their institutional custody and training present a distinct problem. The usual procedures of probation, commitment and parole, on the assumption that the offender has normal potentialities and can be socially and morally rehabilitated, do not apply.

Dr. Fernald, late superintendent of the Massachusetts State School for the Feebleminded, characterized this type of defective delinquent as follows: "Many of this class are defiant, abusive, profane, disobedient, destructive and incorrigible generally. They honestly feel that they are unjustly confined and do not become happy nor contented. They frequently attack those who are responsible for their custody. They resent any effort to amuse or entertain them. They cannot be discharged because they are not safe persons for community life. Indeed, they were

committed because of their persistently bad behavior. It is most unfortunate that this criminal type of defective, generally of such mental age that they seem like normal people to the ordinary observer, should complicate the care and training of the ordinary defective without criminal habits or propensities. They have a very bad influence on the ordinary defective who constitutes the legitimate problem of a school for the feeble-minded."

On the other hand, the industrial school, designed for mentally normal delinquents, objects strenuously, and rightly so, to the disrupting inclusion of these defectives in the institution's program and disciplinary routine.

Recognizing the urgency of this problem, the states of Massachusetts and New York have seen fit within recent years to make special institutional provision for this class of defective delinquents. Massachusetts has had a statute since 1910 designed to relieve the state schools for mental defectives of the disproportionate burden of their most incorrigible and disturbing elements, and to remove definite defectives from prisons by providing a special institution for the custody of this type of offender. Pursuant to this legislation the Massachusetts State Farm at Bridgewater was established in 1922 and a supplementary division for the care of female defective delinquents was opened in 1926. These institutions have little of the prison flavor. Discipline is necessarily rigid but emphasis is placed on treatment rather than punishment. There are no cells; inmates are housed in separate rooms with outside windows. Organized medical work, educational work, recreation and industrial training are provided. In the discretion of the officials in charge, inmates may be recommended for parole. Statistics show a high percentage of adjustment among parolees. The superintendents of the regular institutions for feeble-minded testify that, by the transferral of defective delinquents of the

type we are now considering to this special institution, the morale and efficiency of their institutions have been immeasurably bettered.

In New York state a special institution for female defective delinquents was established in 1920, and in 1921 the special institution for males was established at Napanoch. By law the institution may receive commitments by transferral from the state school for mental defectives, state prisons and reformatories, and by direct commitment from the courts. Over 90 per cent of the cases now in the institution are by court commitments. A distinctive feature of all commitments to Napanoch is that by law they are indeterminate, and if considered justifiable, for life. Thus the state has recognized the existence of a class of persons whose defect is such that they may never be safely returned to the community. A full psychiatric staff is maintained and treatment is on an individualized basis. By such a plan recidivism may appreciably be reduced. This institution is conducted as both a penal and a mental deficiency institution and has operated since its establishment to greatly relieve the state prisons and industrial schools of cases with which they are not equipped to deal. The need of increased accommodations in other states for this class of defective delinquents is already demonstrated.

A camp experiment is being conducted in Los Angeles county with young delinquents who need more intensive treatment than probation supervision can provide. The boys are not selected with relation to mental defect but the plan might be applicable to such a special group. Briefly, this project is on the order of the Civilian Conservation Corps but is under the sponsorship and administration of the probation department of Los Angeles county in cooperation with the County Forestry Department and the County Department of Education. This



type of project, while it can be successful with the higher grade defective delinquent group, is apparently not adaptable to the more pronounced aggressive type we are now considering in this second classification. The federal government has been experimenting with a special institution for defective delinquents of the aggressive type at Springfield, Missouri.

The third classification of defective personalities does not properly come within the purview of this treatise and is mentioned because it has only recently come to be recognized in the field of defective delinquency.

Such special control of defective delinquents as has been described in this cursory manner is, we believe, in line with the newer approach to mental deficiency problems. At least it indicates a trend away from generalizations about mental defectives as a class, and recognizes that the mentally deficient present many differences among themselves and cannot be spoken of nor dealt with in general terms. Instead of condemning all mental defectives as antisocial beings we should begin to search out the relatively small proportion needing specialized care and treatment and urge the state to provide this. We have endeavored to suggest the small beginnings already made in special segregation and control of defective delinquents and to recommend the further development of such resources on an adequate scale as an important part of every state's program.

While conscious of our own inadequate knowledge of the important subject under discussion, in conclusion may we venture to suggest the following as a program of action which the Association of Juvenile Court Judges of America may be willing to approve and recommend to the several states for their consideration:

1. In the treatment and training of mental defectives early diagnosis is of primary importance. To this end mental hygiene



clinics should be established in all of the larger cities, and state mental hygiene clinics with traveling units should make psychiatric service available to all sections of every state. The facilities of these clinics should be used not only by all juvenile courts but also by the public schools and by child caring institutions and agencies, whether public or private.

2. Whenever practicable the mentally defective child should be cared for and supervised in his own home or in a selected family boarding home. School authorities should provide specialized training for such children, extending through junior high schools, thus fitting them as far as possible for useful and happy lives in their own home communities. The cooperation of the public schools is essential to the success of any program for the mentally defective child.

3. Mental defectives who cannot adjust in their own homes or in carefully selected family homes should be committed to state institutions for the feeble-minded for care and training.

4. Every state should provide a centrally located psychopathic hospital or a ward in a general hospital where difficult problem cases of mental defect can be studied and carefully diagnosed before assignment to any institution or agency for care and training.

5. The mentally defective offenders with definite delinquency trends—the aggressive defective delinquents—do not fit into the regime of either the industrial school or the institution for the feeble-minded. For them each state should provide a special institution or farm colony, equipped with a competent staff including a psychiatrist, psychologist, and a psychiatric social worker, and offering types of simple vocational training especially suited to the needs of this particular group. In some states such a colony could well be set up and administered under the direction of the existing institution, though definitely separated from it.

6. The extremely dangerous antisocial type of defective delinquent who does not fit into any of the above classifications must be sent, for the protection of society, either to a state hospital for the criminally insane or to the state penitentiary.

7. Provision should be made by law for the indefinite detention (for life if necessary) of the two last named groups of offenders.

8. Sterilization for the mentally defective is already legal in many states and is today quite generally recognized as an important and effective part in any plan for dealing with these individuals.

9. And finally let us remember that, like the normal child, the mental defective needs, in addition to food, clothing and shelter—recreation, education and training of a type that really fits his limited talents. Like other children he hungers for and thrives upon patience, understanding, sympathy and love.

## II CHANGING DELINQUENT ATTITUDES



### Can We Change Personality?

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CAN we change personality? According to definition the answer is *yes* or *no*, or *yes* and *no*. Definition would be valueless if it did not imply a belief in the modifiability of personality. To what extent, when and how personality may be changed affords wide discussion.

If I may use a botanical analogy, the planted seed grows variously according to the soil, and its growth may be altered by modifying the soil during the time of growth. Wind, storm and changing meteorological conditions may advance, retard or alter the characteristic growth. If the plant is arranged against a wall or over a trellis it is trained to take a special form, but this does not constitute so much change in its personality as in the expression of its inner life and vitality. Various manipulations of seed and soil, external circumstances and method of training may cause the development of apparently different types within a species. There is a vast distinction between the single plant cultivated in isolation, raised as a seedling in a crowded garden, or growing naturally in its native habitat. These environmental changes cause exceedingly pronounced variations, whether the plant is a parasitic orchid or a dandelion cultivated for its beauty or being eradicated from the lawn because of its undesirability.

Similarly, the influence of environing pressure upon

personality is indicated in the domestication of the wolf to be a dog, the elephant to be a utilitarian drawer of wood, or the lion that forms one of a pyramid at command.

Such references to plants and animals suggest some confusion concerning the nature of personality. Dr. Morton Prince has defined human personality as "the sum total of all the biological innate dispositions, impulses, tendencies, appetites and instincts of the individual, and the acquired dispositions and tendencies—acquired by experience." This is vague and uncertain despite its seeming definiteness. It suggests that personality is constituted of all traits and capacities which distinguish an individual at any particular moment of time. It implies that personality is the sum total of the reactions of an individual in social living, to which I add also his potential reactivity in social living. It is not merely what a man is, but his capacity for change at any moment. In Allport's words, it is "the dynamic organization within the individual of those psychophysical systems that determine his unique adjustment to his environment."

Personality in a juristic sense is very dissimilar. To have a personality one must be a person, and legally a person is "any being having life, intelligence, will, and separate individual existence, distinguished from an irrational brute and inanimate thing; a human being as including body and mind; an individual of the human race; a living person composed of body and soul; a man, woman or child; a moral agent; a self-conscious being; the whole man." This idea of totality is important, but the primary definition did not apply to slaves although social and medical workers would not deny them personality.

Dr. J. V. May has said that the responses made by others to the individual as a stimulus define his personality. Man is what he is in terms of the responses of

others to him. Whatever characterizes his relations with others represents personality.

Personality has positive and negative elements. The positive are inherent, constant, essential and driving; the negative are not native but assumed, not driving but elicited to meet social demands. The essence of personality is a sense of selfhood, of self-consciousness, of self-control, with a capacity for adaptation that will reveal its inner forces to others. Locke formulated the idea in stating that personality is individuality which has become objective to itself.

At any single instant personality is the product of a life and a moment factor, both dependent upon the interaction of hereditary and environmental forces. It involves not merely the psychophysical constitution, but these basic elements as modified by life experience. Personality patterns exhibit two types, one organized upon a structural basis, and another emanating as the functional expression of the organism as a whole in varying environmental settings. The behavior of any moment ensues from the balance of forces within the personality.

### *Physical Changes*

The physical material of personality may be subject to change although not always, as for example the fact of an irremediable deformity, eyes with different colors, or a voice modified by a cleft palate. There enters into personality also the degree of insight into the nature and value of the self as a whole or of parts of oneself with relation to necessary life adjustments. The personality of a deaf mute depends upon his deafness, his acceptance of his status, and his willingness to make adjustment in the light of his limitations.

Personality is subject to change, particularly during

plastic adolescent reorganization. Even if ideal physical material entered into its constitution, the changing forces in a world far from ideal would profoundly affect personality development, often adversely through indoctrination and exposure to unstable social patterns.

Personality is not identical with character which derives from some moral code but is constituted of dominant sentiments, beliefs and patterns of action in the multitudinous settings through which personality is reflected. I view personality as a dynamo capable of developing maximum power but at any particular moment mobilizing only so much of itself as is required to be effective in a motor situation. Personality is a mobile rather than a fixed entity. It permits multiple expression and is not determined by a fixed pattern. For example, an adolescent does not reflect the same personality (assuming a constant intelligence quotient) in a classroom with a dyspeptic teacher, in the home with kindly parents, on the playground as captain of the football team, on the job as night messenger boy, at the Sunday school he attends to oblige his grandfather, and at the dancing club where he is learning the preliminaries of love making. The element of character in his behavior would be common to, or dominant in, the majority of these situations but relative to some code.

Character possesses a factor of conscious purpose which, as part of the responsiveness of the personality to internal and external stimulations, enters into the inner forces of the individual's being. There is a definitely unpurposed factor arising from states of emotion below the threshold of awareness.

If character be related to ethics and social codes, it must vary according to time, place and the ability to shape one's forces to meet social demands, the ideas and ideals of the environing world. Personality in its structural or-

ganization may prove effective or non-effective, appealing or revolting, satisfactory or unsatisfactory, but is not good nor bad in terms of a code. John may have a fine personality and a wretched character, or he may have a poor personality and a highly esteemed character.

Wigmore, stating that "the morale or spirit of a community is the strongest control over the behavior of individuals," merely suggests responsiveness as one factor in personality—a responsiveness that lies beyond any biological determinism. It is insufficient to allege that personality is the resultant of chemicophysical phenomena and that personality is the inevitable outcome of protoplasmic peculiarities. The belief that only one type of reaction can result from a given set of antecedents ignores experience. While man's behavior is an indefinite compound of instinct, habit, feeling and intelligence, the behavior itself results from an interaction of these elements with some social stimulus, thus constituting a situation in which personality finds expression and by means of which personality itself is affected.

This is well illustrated by the statement of Thomas Fuller in *Scripture Observations*,<sup>1</sup> wherein he refers to the genealogy of Jesus as laid down in the first chapter of Matthew: "Lord, I find the genealogy of my Savior strangely checkered with four remarkable changes in four immediate generations: (1) Roboan begat Abia; that is, a bad father begat a bad son; (2) Abia begat Asa; that is, a bad father begat a good son; (3) Asa begat Josaphat; that is, a good father begat a good son; (4) Josaphat begat Joam; that is, a good father begat a bad son.

"I see, Lord, from hence that my father's piety cannot be entailed; that is bad news for me. But I see also that actual impiety is not always hereditary; that is good news for my son."

1. Thomas Fuller *Good Thoughts in Bad Times, and Other Papers* "Scripture Observations" p. 30, Ticknor and Fields, Boston, 1863

While temperament affects personality, the temperament in itself is a phenomenon of personality reaction. It reflects an underlying mechanism, a general susceptibility to emotional stimulation, and the rate of specific responsiveness. Temperament at any particular time determines the prevailing mood while the persistence of an emotional tone mirrors relative personality adaptation. Temperament fluctuates within the limits of emotional organization as laid down in constitutional structure. This phase of personality is frequently stated to be definitely hereditary and unchangeable. This is incorrect, as temperament development alters under the impact of cultural forces. Certain temperamental qualities appear to be fixed, but that they are subject to marked change is evident in their extreme reactions during the manic and depressive phases of a psychosis. Moments of adolescent exaltation and sadness indicate that whatever hereditary factors may exist are subject to change.

#### *Personality Classifications*

The history of personality is punctuated with efforts at typology. Plato and Aristotle combined fire, air, earth and water; and before them blood, phlegm, yellow bile and black bile were believed to organize man's reactions in health and disease. Hippocrates divided individuals into those with status phthisicus and status apoplecticus, which is not far removed from Kretchmer's asthenic and pyknic, Jung's introvert and extravert, or the popular classification of aristocrat and democrat.

Personality typology undoubtedly has some structural validity, but the exact correlation between functional activity and structural elements is exceedingly uncertain. Granting that asthenics tend to have an introverted personality likely to become dissociated in schizophrenic psychosis, why do not the large proportion of people thus



constituted become psychotic? The constitutional type, whether or not of hereditary origin, is not in itself the determiner. If a once stable personality can now reflect the expansiveness of mania and later the contractive isolation of depression, it demonstrates that personality is alterable.

If a balanced individual acquires a distorted view of his relation to society and acquires disturbing suspicions even without paranoid delusions of reference, there is a personality change. If during adolescence his social relationships induce him to escape within himself, he exhibits a schizophrenic trend of personality. The parietic, the victim of encephalitis, the deteriorating epileptic, the profound alcoholic, prove that pathological factors can and do profoundly alter personality. Some of these personality changes are attended with alterations of structure, but others, equally profound, thus far do not reveal cellular change and are attributed to functional disorders.

If dysgenic forces can irritate and distort personality, obviously eutenic elements may affect personality favorably. Treatment now restores to normality many victims of manic depressive psychosis; numerous schizophrenic personalities are responding to insulin and metrazol; sufferers from paresis and various toxic disorders under appropriate therapy regain some favorable personality traits. Positive and negative effects upon personality are shown in the changes incidental to acute alcoholism and the responsiveness of the alcoholic to vitamin B. It may be urged that the phenomena of toxemia and their antidotal factors do not affect the personality as a whole. This is a quibble because the modification of any part of the personality changes its organization as a whole.

Among mental defectives, epileptics, psychoneurotics and psychotics, personality characteristics are clearly affected by interaction. Thus a mental defective is more

defective in a high pressure city than on a low pressure farm; the epileptic personality, so-called, finds different expression in terms of its physical location; the psychoneurotic and psychotic ever reflect variability in personality organization, the variability itself being one constituent of their general instability. These types, reactive rather than structural, respond to factors genetically or socially determined, but generally are the result of a definite interaction. The genetic values may be physical or psychological, and the social factors may inhere in constitutional sensitivity to social stimuli or extreme social pressures.

If one believes that personality is a rigid system effected by a determinism, then probation work, indeterminate sentence and parole are valueless. The concept of an absolute personality determinism involves the rejection of possible changes unless it is also conceded that the inner determinative elements are subject to outer forces. The extreme biologic viewpoint forms the present Teutonic perversion of biologic fact, and is as far from reality as the external determinism implied by Karl Marx in stating, "By acting on the external world and changing it, man at the same time changes his nature." Exclusive stress upon either of these determinisms fails to take cognizance of the fact that personality involves what man is, becomes, and is to be, as an organism ever in an environment.

#### *Extreme Viewpoints*

Fanatic geneticists assert that most characteristics of personality are not due to environmental effects but that physical and mental characters are fixed by inheritance. Their experiments indicate that the ever patient *Drosophila*, in order to develop certain genetic forms, must be grown in a dry or moist atmosphere, and at a maximum

or minimum temperature. They freely investigate variations of form and behavior incidental to specific environmental changes, when they are unable to find explanation according to Mendelian laws.

The strict environmentalists are equally over-enthusiastic in disregarding factors of non-environmental or non-social origin. They point to the effect upon personality of heat and cold, of shock, of alcohol, of tumor, infection and economic disappointment. They show changes of reaction time, speech, interest, outlooks, modified reactions to collective living; they dwell upon the advantages of good homes, churches, parks and playgrounds, even as they point out the dire effects of limited opportunities, suppression, urban limitations and prison life.

Both groups regard wrongdoers, delinquents and criminals as victims of maladjustment, but each seeks to establish therapy upon the basis of its accepted area of disharmony. If maladjustments were wholly determined by genetic factors, the chromosomes are beyond correction. Constitutional therapy is possible and may continue along lines accepted as relieving the pressure of personal social conflict.

Personality is dynamic, not static. Some hereditary elements are relative determinants while others are absolute to the extent that the self is affected by them, and still others are determinants to the degree that they operate regardless of personal consciousness or desire. Certain hereditary factors enter into temperamental organization, making people generally slow or rapid; highly sensitive or generally phlegmatic; alert and restless or placid and lethargic. These fundamental bases respond to different degrees of social manipulation, just as the intelligence may give evidence of increasing or decreasing energy within the limits of structural organization according to

the conditions of social stress. Regardless of vitality, intelligence and emotional organization, the social impact is an ever constant stimulus to personality organization. The personality is dependent upon the interaction of the numerous variables derived from heredity and constitution and from social opportunity, obligations and pressures.

Unfortunately persons and organizations are eager for short cuts in classification. To pin a label upon a personality seems to give a sense of relief, even though the label does not indicate what should be done to alter it. There are no specific reliable measures of personality. There are a variety of tests for determining qualities of personality, such as the intelligence quotient, tests for aggression and submission, introversion and extraversion, feeling of inferiority and superiority. Knowing any one, two, or all of these does not explain the total personality at any particular moment. Each of the qualities finds expression in the complete interaction of the individual at the moment of the test, and the test itself is an inquiring situation.

Complete reliance upon tests for personality is unwarranted. Institutional emphasis upon diagnosis often requires classification by types which actually have little reality save for potential statistical values. In classifications of personalities hereditary and environmental factors are confused because neither can be completely established and partial findings are insufficient for accurate categorizing. Everyone is familiar with changes that alter definite classifications because the hereditary and environmental factors are not separate elements in an individual any more than they are representative of universal elements in a group. Each personality is an entity to be considered with relation to its own world of experience.

Some psychologists interpret most behavior upon purely psychological bases as the expression of a conflict between the ego and the id, with the superego as the arbiter in determining the fight and flight trends of the personality. This may be a satisfactory method of interpreting neuroses, or some forms of psychoses, but it does not explain a large measure of delinquency and crime. Conceding that unconscious components enter into personality, any mental exploration or psychoanalysis that releases individuals from unconscious conflicts modifies the personality structure by removing the disturbing tensions. Individuals find personality release by temporary remobilization of forces through alcohol and narcotics, which enable them to transcend their own weaknesses and make better adjustment in general social relationships even though the behavior resultant may be extra-legal or illegal. The personality change that arises from the greater support of religion through conversion indicates that identification with some superhuman force in the universe enables one personality to change for the better even as another may change for the worse in a religious mania.

Practical experience proves that personality can be changed, regardless of the constitutional structure and interest of the individual. The effect of the thyroid gland upon a cretin or a hypothyroid individual is as striking as is the overactivity of the hyperthyroid victim of Graves' disease. The dermatitis, diarrhea and dementia of pellagra and the attitude change incidental to increasing deafness are as significant as the personality disorders incidental to shell shock, paresis, fractured skull, tumor of the brain, or dyspepsia, or as the effects of alcohol and opium upon thought, mood, purpose and behavior. All reflect personality change. Individuals suffering from physical disorders as simple as correctible myopia, impacted third molars and hypospadias may have their personality

characteristics modified by a direct correction of their deficiency. The cure and often the treatment of any disorder or disease modify personality.

### *School Influences*

Personality changes reflected in the intellectual realm are registered by success or failure in grade or school. A lack of opportunity for normal school progress because of a rigid curriculum or an educational disability may cause feelings of inadequacy that tend to disorganize personality and induce compensatory reorganization which may be antisocial. Rational school classification, with progress in terms of capability, affects personality favorably for education, and offsets potential truant trends. Intellectual failure is not explanatory of all deviate behavior. To call a child a mental defective and think that this explains everything is as absurd as to account for every personality failure on the ground of masturbation. The mental level may condition function, but it is not deterministic nor provocative of antisocial reaction. The intellectual element in personality possesses meaning only as it affects and is affected by the total personality. As Spencer noted, intelligence is not a force but an instrument that is moved by the forces behind it. Personality is subject to the integration of its resources so that whatever improves the technic with the intellectual instrument may make the intelligence itself more effective in personality expression.

If thoughts and beliefs are organizers and if the personality is the self, then the ideas of self, plus the ideas of society's idea of self, are exceedingly important. Who believes himself stupid, incompetent, disliked, rejected, unwanted, and outside the pale of social approbation threatens himself and tends to project his attitudes upon others. The rehabilitation of belief in oneself with faith

in self-development involves personality adjustment in vocation and avocation, in social life, in love.

Am I speaking of character, which admittedly is modified by time, place and circumstance? Character is a derivative of personality even as it reflects a phase of personality. Accepting social standards of right and wrong, no individual is wrong or right in everything. The best individuals have their moments of indiscretion and ethical uncertainty. The personality is concerned with its own acceptance or rejection, which may be reflected through social or antisocial behavior. To think of oneself as a failure, a victim of injustice, an object of social attack, tends to incite revolution or revolt unless the status can be accepted as a source of personal satisfaction. A sense of happiness and efficiency is the natural concomitant of a balanced personality, conscious of maximum adaptation to life with minimum friction.

Some frictions cause considerable wear and tear on personality. The pleasure and pain of emotional tension enter into activity as they are founded upon undercurrents of need and drive. Vast changes in personality are incidental to a sense of economic or social security. An egotistic individual, in compensation for his own weakness, may try "to show the world" as he seeks to acquire financial security. Another, fearful of social disapproval or punishment, shrinks within himself, but when released from these threats by stimulative sympathy emerges more competent for living in solitariness or in groups.

Emotional development has no constant rate. Some persons mature slowly and others retain a considerable degree of immaturity, ever dependent in their infantile need of help because they have no supportive emotional resourcefulness. Other unstable types, with emotional mechanisms set off by the slightest jar, react with an un-



dercurrent of psychopathy. The neurotic, whose inner struggles have not allowed him to face his world of reality but force him to seek an escape from the harshness of daily living, is subject to therapies which relieve personality stress and foster a desired harmony. Many a neurotic personality develops greater stability when economic security is attained or sexual potency is assured. The psychotic group, whose internal problems suddenly have become unsolvable, find retreat from reality the answer to their personality needs. Their restoration to normality demonstrates that personality structure may be fostered as well as hampered in its development, although some personalities are resistant to present methods.

Workers with malcontents, antisocial or unstable, recognize the profound effects of release from gripping and constricting fears. Overcoming the fear of darkness, noise, sickness or death, failure or frustration, enables the individual to achieve recognition of the self, the essential of personality. If fear can be modified into caution, there is less rejection of oneself, with a heightened sense of self-respect resulting from lessened social disapproval. Similarly, the aggressive person who gives free vent to his feelings and the emotionally immature who cannot control strong emotions find social value as they attempt redirection of their impulses into more acceptable patterns; who endeavors to regulate his impulses and makes effort to guide his urges with reason, is re-forming his personality.

The transformations incidental to reorganization of thoughts concerning sex and love are understandable, considering the part that singly or conjoined they play in life. Organic defects of the genital or reproductive organs profoundly affect personality. The acknowledgment of one's conformity to the prevailing concept of sex normality, the appreciation of sexual attractiveness and



potency cannot be ignored as influences in personality balance. Homosexuals undergo terrific personality struggles until they find emotional equilibrium through their acceptance or rejection of their trends. Stresses incidental to the conflict due to social non-acceptance of self-accepted biologic drives profoundly affect behavior and social relationships.

The tender and the tough minded of James are recognized in the social aspects of personality. The desire to be wanted and loved, to secure recognition and to develop responsiveness to and from society activates function. A sense of being accepted, of participating and belonging to a socially approved group, is responsible for many alterations of personality. The positive feeling of social worth, whether reflected in an introverted or extraverted person, advances the ego, offers it support and strengthens it to assume new responsibilities and obligations, despite severe trials.

The Gluecks' studies do not reveal personality changes, but they indicate that maturation is a factor in establishing them for those who have already been institutionalized. They recognize that while the main difference between the reformed and the unreformed lies in the factor of mental and emotional conflict, their differences are also in their work habits and general acceptance of economic responsibilities. They show that even psychopathic personalities derive personality support from sound supervision. They distinguish the environmental from the organismic delinquents. Personality, character, and may I add behavior level, vary for delinquents and non-delinquents. A fine character may abide in a weak personality who, acknowledging his personal weakness, endeavors to live upon a high behavior level. A weak character in a strong personality may show low behavior levels. There is an inner shift in the pattern of response, as well as an outer

behavior which has meaning to the self. This is inherent in every interaction that enters into and grows out of personality change.

### *Behavior Differences*

It is impossible to state personality differences between delinquents and non-delinquents, because only those apprehended can be studied, and their mental conflicts cannot be subjected to any standard of comparison and pattern. The behaviors are reactions which may be the outer expression of antithetic drives, of conflicting doubts, of personal determination, or a desire for approval. It is more difficult to interpret personality through behavior than it would be to suggest behavior trends if the personality were known, provided that there is an appreciation of the relation of the personality as a whole to the mores and ethics of the time and place. We speak of those who steal, run away, are delinquent, those who are neurotic or suicidal. There are few individuals who, in thought, feeling and even action, have not been in these categories at some time as a result of their inner difficulties. The personality finds various supports in itself. Reacting more favorably to praise than to blame, it endeavors to create the values it needs and desires when ego-satisfaction falls below the personal par. It is at this time that social activity undertakes a reconditioning of personality by various methods.

Galton stated: "There is no escape from the conclusion that nature prevails enormously over nurture when the differences of nurture do not exceed what is commonly found among persons of the same rank of society and in that same country." Probation is a procedure that increases this nurtural difference and therefore enables the nurture to be constructively effective even while nature is undergoing a slow maturation.

It is probably impossible to set up any ratio between heredity and environment as responsible for personality structure and function. Although the cellular mechanisms are native and inherent, the degree to which they can function is regulated by society, and the character traits which emerge are relative to social norms. The biological mechanisms find stimulations from without the self. Hence reaction cannot be due entirely to the organic cellular structure. The interaction is well demonstrated in Shaw's study of delinquent areas, or Thrasher's interstitial areas.

Admitting numerous environmental shortcomings, the student of personality ever recurs to the action of the self in terms of intelligence and will, dominance and submission, impulsiveness and self-control, consistency and inconsistency in pattern. The emotions and sentiments are not always wisely balanced because the former tend to be impulsive and the latter to be reflective. The efforts of the probation officer are to build up stronger emotional values for reasoned and reasonable action in accord with social principles. This does not mean acquiescence in all that society does, but involves a willingness to reorganize the personality with a better understanding of the mutual relations between the individual and the community.

### *Causes of Personality Change*

Having indicated that within limitation personality can be changed, may I tabulate a few methods of change which are thoroughly familiar to you:

1. *Change by foods and drugs* Personality changes incidental to malnutrition as in pellagra and beriberi, or other avitaminoses, or dietetic schedules for some convulsive disorders; changes due to drugs as varied as insulin and 606.
2. *Change by endocrine action* The relief of over or under-production of glandular secretions which affect personality;

hence the administration of thyroid, pituitary, adrenal and gonadal substances and the like for conditions as varied as cretinism, dwarfism, undescended testes and climacteric disorders.

3. *Changes by toxins and poisons* The mental change incidental to uremia, or the effects of alcohol and narcotic drugs and the corresponding changes in personality incidental to therapy.
4. *Change by infection* The effect of encephalitis, tuberculosis, endocarditis and the adjustments resultant from their care are marked.
5. *Change by relief from chronic disorders* The correction of allergic factors and the supportive treatment necessary for physical comfort in asthma, rheumatism, etc., promote self-security.
6. *Change by organic disease and its treatment* Most striking are the personality changes incidental to apoplexy, paresis, tumor of the brain and the further alterations consequent upon the treatment of these conditions.
7. *Change by surgery* Changes incidental to plastic operations for disfigurements and unpleasant features, for the correction of genital deformities and other crippling handicaps, and general relief from pain and disability.
8. *Change by functional disorders* Incidental to manic depressive and schizophrenic psychoses as well as the neuroses and their respective treatments.
9. *Change by internal emotional pressures* Demonstrated in the results of religious conversion, participation in social religious groups of all kinds.
10. *Change by emotional conflicts* Anxieties and compulsions, with mental exploration or psychoanalysis for the relief of unconscious conflicts.
11. *Change by identification* The individual sets himself a pattern of action which he seeks to emulate, and thus fixes a new pattern for his personality.
12. *Change by personal experience* The sense of success or failure, satisfaction or distress incidental to experiences at home, in the economic field, or under legal pressure may

lead to reorganization of principles, ideals and ideas which become incorporated into the mental and emotional elements of personality.

13. *Change by physiological evolution and maturation* These are manifest during adolescence, pregnancy and the climacteric, when personality undergoes marked stresses incidental to the changing internal drives and the external demands.
14. *Change by deliberation* As a result of the maturational processes or altered outlooks upon life arising from increased education and growing judgment, there may develop a determination to alter one's personality to make it more acceptable in terms of social living.
15. *Change by social reconditioning* This includes all the influences and effects of vocational schools, of parks, playgrounds, recreational centers and extended facilities of socially productive organizations that are concerned with social protection.
16. *Change by family rehabilitation* As family life is deemed a moulding factor in personality, the reorganization of family life, foster homes, rural placement, relieving dysgenic factors in the home, promote personality harmony.
17. *Change by economic adjustment* A job with economic security and sufficiency for reasonable living promotes independence and makes possible the better reorganization of personality.
18. *Change by social participation* This appears in the effects of gangs, clubs, unions, ethical, religious and social groups that provide forces for personality expansion or contraction.
19. *Change by judicial action* This includes all the legal processes entering into police departments, courts, jails and prisons and punitive or correctional institutions.
20. *Change by social guidance* This includes child guidance clinics, psychiatric attention and rational social service. It includes all the influences and methods of probation which are useful in affecting the essence or core of personality. It is concerned with personality inflation and deflation, but is engaged mainly in its reorganization through the use of catalytic forces which are believed to alter favorably the personality trends.

As a representative of society the probation officer allows as great freedom as possible for gradual maturation of the personality. There is an implied social parenthood which gives due recognition to personality structure and function, and endeavors to alter personality along lines acceptable to society but equally acceptable to the self. Working upon personality as though it were a kaleidoscope, appreciating the form, shape and color of the elemental pieces while acknowledging the limitations of the fixed mirrors that represent society and organize the values of the movable pieces, the probation officer slowly or vigorously manipulates the instrument so that the elements of the personality arrange themselves in new positions and forms more desirable and more appealing to the social eye. The record of probation service affords the highest testimony to the fact that we can change personality within the limits of our knowledge.



## Understanding the Delinquent

LOTTIE BIALOSKY

*Girls' Referee, Juvenile Court, Cleveland, Ohio*

IN the early development of the juvenile court movement the first important step was taking the delinquent children out of the jurisdiction of the criminal court; children were not to be treated as adults who were entirely responsible for their acts. At first the emphasis was placed upon the delinquent act. With further progress, however, there has come the growing conviction that if we are to understand delinquency we must understand the delinquent not only in terms of his delinquent behavior but as a personality. We need to understand the motivation at the roots of his behavior. If we believe that the treatment accorded a child shows its effects in later life, we must know what the home, the school, and the neighborhood mean to the children brought before a court. It is obvious that a new point of view is necessary. We can no longer look upon delinquency as wrongdoing which must be stopped because of its effect upon society; rather we must see it as an outgrowth of human relationships, with emotional content.

We must recognize too that delinquent behavior is often the expression of desires and urges thwarted and unsatisfied. The delinquent's desire for security in the home and in his social contacts, the recognition of himself as a person, and a sense of achievement are as fundamental in him as in the non-delinquent. When these natural desires meet with frustration they lead to dissatisfaction and find expression in antisocial behavior. It is frequently because no activities have been provided to offset these dissatisfactions that the delinquent does

not find within himself inhibitions strong enough to check his delinquent impulses.

What are the conflicts in the emotional life of a boy who steals an auto or refuses to attend school, or the girl who has had irregular sex experiences and is a runaway from home? These children are in revolt against unsatisfying conditions in which they find themselves and are influenced by forces they do not understand.

In the case histories to follow, an attempt will be made to point out the causative factors in these problems.

### *The Case of Ann*

One morning Mrs. B. appeared in the waiting room of the court and said rather sadly, "Ann is gone again." Ann had been known to us for some time, her father having brought her to our attention when she left home previously. Ann, who is seventeen years of age, is a tall, fairly attractive, likable girl with normal mentality. She feels she has been treated unfairly by her family. She is in the 11-B grade, has been truanting a great deal, but in spite of this has been making fair progress.

When Ann left home the second time she went to live with her girl friend Lois, nineteen years old and recently married. Here she enjoyed complete freedom with none of the restrictions which she met at home. She frequented night clubs and beer parlors and the natural consequence was that she met boys like Jack, who is twenty-one years old, a bellhop in a hotel. She soon took up with him, and the next step for her was to accompany him to a second-rate hotel where they remained for several days. Jack is interested in Ann but is somewhat bewildered by her overwhelming devotion to him.

Ann says she has no love for her family. She recognizes that she has not abided by their rules, and says that



she is unable to be the kind of girl her parents want her to be. She thinks her mother has some understanding of her but she cannot get along with her father. Ann feels that she should have opportunities for fun and friends, but this is impossible with the present attitude of her parents. They are fanatically religious, do not believe in any sort of entertainment, and are opposed to makeup and boy friends.

We may ask what are the underlying emotional factors which compel Ann to leave the security of her home, seek recreation in taverns and beer parlors and throw overboard all the standards of conduct she has known in the past. What is behind her need of Jack and her intense devotion to him? We must see Ann in her home setting, in her relations to the other members of her family and to their cultural pattern, to understand what brought about this behavior.

Ann's parents came from Hungary when they were in their early teens. The father has had regular work in a foundry except for short periods of unemployment. He is a typical foreign born working man who has few interests outside of his work and his home. He is an active church member and objects to dancing and card playing because they are sinful. The family attends all church functions regularly, and membership and attendance in the young people's group is demanded of the children. The housekeeping standards are high. The mother is devoted to her home. Although she has more understanding of the children, she is completely dominated by her husband and is unwilling to take a stand against him. The home discipline is severe. The father loses his temper easily when irritated by the children's behavior. He knows no means of discipline other than physical punishment.

The family consists of the parents and five children.

Jane, the eldest, is a nice looking young woman of twenty-two. She completed high school as an honor student and is now enrolled in a Bible school in preparation for church work. She has never caused her family any concern, and is held up as an example to all the children. She attempts to discipline Ann who resents such supervision very much. Next is Dick, twenty years of age, who is employed at the foundry where the father works. He is conforming and is in league with Jane against Ann. The two younger children are in school and seem to present no problem.

Ann's delinquency is probably a symptom of serious and long standing social and emotional deprivation. She is the third child in this family of five. She is expected to pattern her behavior on the conduct of Jane and Dick, and she does not get the attention apparently given the two younger children. The father's rejection of Ann is bolstered by the conforming behavior of Jane and Dick. The situation is further aggravated by Jane's attempt to dominate and discipline Ann with the father's acceptance and approval. Then too, Ann is a product of the second generation of foreign born parents, and is conscious of more liberal attitudes in the homes of her friends.

Ann's mentality is adequate for acceptable work in school, but because she is unhappy at home and has few satisfactions there, she has lost interest in her work. She needs activity, interesting and stimulating, that will bring her satisfaction as a substitute for the negative feelings in the home and the affection she craves.

It is interesting to note that Ann, in leaving home and indulging in night life, has thrown over all established standards of the family pattern. Why does Ann's activity take this particular form? Is there in it an element of punishing her family for their rejection of her? Her intense feeling for Jack can well be the expression of her need for affection and approval; its very intensity and

her anxiety that she may lose it reveal this need. Her behavior also grows partly out of adolescent confusion and conflict which are accelerated by her parents' way of handling her.

What understanding of Ann's difficulty can we expect the father to have? He is so self-righteous that he can have little insight into the motivation of her behavior. Obviously his coming to court indicates his inadequacy and his need to have some authoritative supervision to back up his own authority. Because he himself has been deprived of rounded experience he is unable to cope with his conflicted and aggressive adolescent daughter.

Here is a situation which very definitely needs case work treatment. Case work, by its understanding of causative factors and emotional conflicts in behavior, attempts to relieve situations by meeting the client's needs, making an evaluation as to the kind of person he is, determining whether the problem is internal or external, and whether he has negative feelings about himself or about other people. But case work must take into consideration also the conditions of life in which such attitudes find expression.

### *The Case of Bob*

In contrast with Ann's case just cited, we have the case of Bob, a fifteen year old boy whose family comes from old American stock. They have enjoyed high financial and social position for many years. The father, who is a graduate of an eastern university, was an only child. He specialized in sales engineering and earned a good income even during the depression years, but recently this type of work has petered out and he has been obliged to take a job as a salesman. His income has been greatly reduced and is very uncertain. The mother also came from a socially prominent family. Although her family

was able to provide a college education for her, it may be significant that she did not avail herself of this opportunity.

The family lives in a well-furnished large stone house in a fine residential section. In spite of the decrease in the father's earnings the family continues to live in this home under the strain of keeping up appearances.

Bob has a twin sister. His relationship to her is a casual one and she does not seem to play much of a role in his life. He has two older sisters, one married and the other employed. Bob is the last male in the paternal line, and perhaps because of this the family has great ambitions for him.

Bob was referred to court because he had entered a home in his neighborhood, had stolen some auto keys and driven off in the neighbor's car. The car was damaged when he drove it into a ditch. In court Bob appeared to be a well-mannered boy, confused by the situation and unable to explain why he had succumbed to the impulse to steal a car. At the hearing he was placed on probation.

In subsequent interviews we secured a fuller picture of the boy and the family setup. Although he is of average mentality, Bob has had difficulty in keeping up with his school work. He had been failing in several subjects. His mechanical aptitude is poor and he seems to have no particular interest along such lines. He feels inferior to other students and thinks they learn more rapidly than he. He likes sports but does not excel in any of them. He has shown some interest in the school theatre guild, but his activities have been largely limited to the stage crew. Because he was getting so little satisfaction from his school life he dropped out of school entirely.

The father's ambition for Bob is inordinate and seemingly far beyond the boy's capacity. Bob is oppressed by

it. He is in a position of rivalry with his father who sets himself up as being successful, and this in turn creates hostility. The father expects him to do excellent school work and insists that he read the best literature when Bob's own taste runs to detective and adventure stories. Because of the limited financial resources Bob finds it difficult to keep up with the social activities of his friends. This emphasizes his feeling of inferiority.

Bob is a slender boy of medium height who appeared sensitive and withdrawn in our earlier contacts with him. Our first impression was of a rigid, repressed, and unhappy youngster. He seemed to have some insight into his problems but lacked the confidence to express himself or suggest any constructive plan. He would like the satisfaction of accomplishment but he lacks initiative and is constantly apologizing for his own shortcomings.

It was obvious as contacts with Bob continued that the boy's resistance must be broken down if we were to get at the reasons for his behavior. To do this the relationship had to be one of confidence, of acceptance of him as he is on the part of the worker, without condemnation. Gradually Bob began to talk more freely. He told how he had forged excuses when he skipped school. When this deception was detected by the school he was threatened with exposure. Fearing his father's anger he ran away from home.

The boy gave a graphic description of what was apparently an enjoyable experience for him. Freed from pressure at home he showed considerable initiative in meeting his situation and in making plans for himself. For two days he stayed around the city and went by boat to Buffalo, washing dishes in exchange for his meals and fare. From Buffalo he hitch-hiked to New York. Here he asked to be directed to the YMCA. Because of his youth he was refused admission but was referred to the

Newsboys' Home in the Bowery. Here he worked for his room and board by making beds and scrubbing floors. His reaction to the other boys in the home was quite mature. He was interested in the various types he met there and found them stimulating. He succeeded in getting a job as a messenger boy with the Western Union, but before he could begin work his parents, to whom he had written on another boy's advice, came to New York and took him home. They were horrified to find him in such a place and aghast that he had enjoyed it.

Since Bob was too young to leave school legally, it was necessary to have his school status defined. He was being tutored by his father at home but this was not satisfactory. Arrangements were made to transfer him to another school with the understanding that he make up the work he had lost. The worker took the opportunity to interpret the boy and his difficulties to the school, thus building up the teacher's interest and willingness to help. Almost from the beginning Bob began to do better work in school and to join the activities there. He expressed himself as being happier than he had been in a long time.

Up to this time the worker had made no effort to contact the father for fear that Bob might misunderstand his motive. He could not risk his good relationship with the boy by trying to do case work with the father, but since the father's cooperation was necessary he was asked to come to court for an interview with the supervisor. The father is a man of small stature and of the nervous type. The supervisor talked with him on the needs of the boy and stimulated the father's thinking to the point where he could see his place in Bob's maladjustment. He saw his role of parent as one of complete domination over his children. It was clear that he had no understanding of Bob or his limitations, and while he appeared to accept them it was plain that he could not face failure

for Bob. Because the father has been unsuccessful, he would like Bob to fulfill his own ambitions. Bob had never been able to talk to his parents about his difficulties although he had been invited to do so, and it is doubtful even if he had complied that the father would have understood the boy's conflicts. He acknowledged that Bob was doing better work and was making a better adjustment in school, but he was not satisfied and felt he could do even more. He feels that Bob cannot make a decision, has no initiative, and cannot say *No*. The boy rarely converses at home and is usually very quiet. When it was suggested that he give Bob more responsibility and some recognition for the things he did well, he said, "It will be hard but I will try."

In Bob we see delinquent behavior as an expression partly of urges which have been repressed by the father's domination, by his ambitions for his son, and his complete lack of understanding, and partly of Bob's hostility toward his father. In view of the difficulties which Bob presented when he was referred to the court and his subsequent improvement and adjustment, we may well ask what occurred to bring about this change. For the first time Bob was able to talk freely and naturally to another individual about himself and his feelings. The worker's attitude was a complete contrast to that of the father. While the father exerted continued pressure on the boy for greater and greater achievement, the worker accepted him as he was and encouraged him to work out his problems in his own way. By understanding Bob and making the boy realize that understanding, the worker was able to relieve his anxiety and to stimulate a more hopeful and constructive outlook. The worker, interpreting to the school Bob's conflicts and needs, was able to enlist their sympathy and cooperation and to make his school experience a satisfying one. The boy was encouraged to



express his ideas which were accepted by the worker and he was made to feel that his opinions meant something. By his acceptance of the boy on his own terms the worker was able to bring out his latent sense of responsibility and confidence in his capacity for progress. A foundation for continued growth had been laid.

### *The Case of Betty*

Let us now travel to the other side of the city and visit the home of Betty, a young girl about whom the court has been greatly concerned. The house situated near the railroad tracks is dark and dingy. It is small and furnished with the barest necessities. The seven children in the home are ragged, ill-kempt, and running wild. For many years there has been a great deal of friction because of the father's alcoholism; the parents quarrel violently, and the children imitate them so that there is constant strife. The father is of foreign background, a laborer when he works, but with a long record of unemployment. His earnings have never been used for the family but for himself and largely for liquor. On numerous occasions he has been committed to the workhouse. He is a coarse brutal man who has never assumed his responsibility as head of the family. The mother is somewhat superior, but long years of suffering, due to poverty and her husband's drunkenness, and the necessity of being the breadwinner have worn her out. She works at night as a cleaning woman and cares for the home during the day.

Betty is the second daughter. Sue, the eldest, has an illegitimate child who has been accepted by the family as its youngest member.

Betty's first introduction to court came when she was brought in for drinking and keeping late hours. She is fifteen years old; a dull, sullen, unattractive girl who is



very unhappy at home. Shortly after her court appearance she disappeared. When we heard about Betty again it was through a juvenile court in a distant city which reported that the girl had been promiscuous and recently had been in a serious auto accident. After several months stay in a hospital she was returned home for her convalescence.

Although she quickly regained her health, Betty was even more unhappy because her family had the added grievance of her last escapade which they constantly kept before her. After a brief stay at home she disappeared. Several months later she was again brought to court and this time placed in the detention home.

Betty's story was that she had been picked up by a boy whom she had known in school; he drove her to the outskirts of the city and on the way he stopped to telephone. When they reached the country they were stopped by a car which had been following them. In it were six boys who forced Betty out of the car and attacked her. They left her on the roadside where she was found by a woman who, after listening to her story, took the girl home with her. This woman secured work as a waitress for Betty in a low grade restaurant where she herself was employed. It was when the woman and Betty tried at the point of a gun to rob one of the men patrons that Betty was apprehended and brought to court.

Here is a girl who is a product of poverty, drunkenness, and neglect. There is nothing in the family structure or relationships from which she can learn anything constructive or can get any satisfaction. She has no security in her home or her social contacts. Her drive for attention from men serves to bolster up her ego and gives her, even if falsely, the affection which she has missed in her life experience. The thrill which she got

out of her delinquent behavior gave her a sense of achievement. Her unhappiness and her frustration make her desperate to secure some satisfaction and freedom for herself. Her disappearances are an escape from a situation which is intolerable. But she has no standards, no inhibitions to direct her activities into acceptable channels.

What can we hope for in treatment in a situation such as the foregoing? If case work is an attempt to meet the individual's needs, can we expect any response from one whose whole life experience is and continues to be a negative one? Perhaps no amount of treatment will alter the rigid pattern so long established in this family group. It may be that some other method will have to be devised to help such individuals to become an asset rather than a liability to society.

### *The Community Stake*

The parade of children passing through the juvenile court of our country each year presents a challenge to the court and the community. We used to feel that the problems of the delinquent arose outside of his personality and that it was necessary to make up these lacks by trying to improve environmental opportunity only. We now know that behavior has its causes deep in the emotional life and cannot be judged as good or bad but must be seen as symptomatic of both internal and external causations. The community has a stake in the welfare of its children and looks to the court for the solution of many of its problems, but the court has not been given the opportunity to develop to its fullest capacity and has not realized its ideals because of insufficient support from the community. Nor can it be said that the attitude of the social agencies toward the court has been uniformly stimulating or constructive.

Many delinquent children are referred to court who have been known and dealt with as behavior problems for long periods of time by the home, the school, and the social agencies; the court is used as a last resort. In spite of this the court's failures have been magnified and its successes minimized.

It is safe to say that to the court come children who present the most difficult problems. For them there should be provided the most scientific treatment available. In order to accomplish this the court worker must have the necessary educational background and professional training. His must be a mature, well-adjusted personality, sensitive to the child's need and able to translate into a workable plan the court's decision and the psychiatric recommendation. He should have the ability to establish a relationship in which the child can express his negative feelings. Further, he should be interested in his own professional growth and be alert to newer ideas and techniques; he should by his reading keep in touch with the new books and current periodicals in the field of social work and probation; he should attend conferences on these subjects, both state and national.

The court worker is handicapped in developing the best case work because he is burdened with too heavy a case load and too great a variety of cases. Far too many children are placed on probation because it is the easiest disposition for the court to make. More careful selection of children would limit the use of probation only to those who can profit by good social case work. This would reduce case loads materially and would give the probation officer more time for intensive and scientific work. The court must face the fact that there are conditions which cannot be improved and certain inherent disabilities which cannot be cured.

In order to facilitate the work of the court, considera-

tion should be given to the setup of the court itself. It goes without saying that a court organized up to its capacity would not only expedite its work but would constantly seek new avenues of development. If we are to understand the delinquent a careful study of the child is of primary importance. We must know his physical makeup, his mental capacity, and his emotional reactions. We must see him in his home setting, his family relationships, and his social environment. Where deep-seated conflicts are present a psychiatric study is invaluable; wherever possible, psychiatric facilities should be made a part of the court setup. With the aid of these facilities the worker's skills are enhanced and make possible better diagnosis and treatment.

Too many cases come to court that could be diverted elsewhere or are of such minor nature that, with some assistance from the intake interviewer, the applicant could work out his own solution. Too often the intake person is a clerk without background or training. The intake interview being the important pivot of the court's intake, the person who fills this position should be a trained case worker with the ability to observe and understand the emotional meaning of the problems the clients bring to the court.

The court cannot afford to lag behind in the development of newer trends in case work. It must be alert to the advancement of our understanding of human behavior and progressive methods of treatment. If we are to make a contribution to the understanding of delinquency, we must see the delinquent as an individual motivated by desires and drives inherent in the human personality and pressed by external strains and deprivations. By skilled treatment we may free him from those anxieties and hostilities which prevent him from handling his problems constructively.

We may not succeed fully in the task before us, but in the words of Dr. Plant we may say, "Thus, those who stumble light our way; those who fall teach us our next steps. Enmeshed in censure of society, the price they pay is dear. Can we who ask that price justify it in using what we learn from them to make a better world for those who come?"



## Developing Attitudes Through Supervision

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Attitudes are not changed by platitudes  
Attitudes are not changed by beatitudes  
Human conduct is changed by human contact

FOR some twenty years or more we have been concerned with diagnosis of problems. Diagnosis is, of course, important but is of little value to us unless we are in a position to do some treatment. We have investigated one factor after another, and one investigator after another has come to the conclusion that not one but many factors make up the problem of delinquency. We have found delinquents among the rich as well as the poor. We read a case record which indicates conclusively that poverty played an important part in the causation of a given delinquency, and then the very next case proves just as conclusively that another boy enjoyed too much of worldly goods for his own benefit and overstepped the bounds of propriety because of it. John ran away from home and with several other boys broke into a house because his father was negligent in performing his parental duties and did not pay attention to his son's associates and activities, but Bill, who was in the same gang, ran away from home because his father was always checking up on his every action and required him to be home at eight every night with no exceptions to the rule. And just about the time we feel that we have the whole thing nicely explained to ourselves and the family, and that the real difficulty lies in the wide variation from the normal in

these cases, we make another startling discovery: that Walter's brother, who has lived in the same poverty as Walter, is not a delinquent and shows no indication of being one; that Tom's brother gets just as much of an allowance as Tom, but instead of squandering it in foolish ways, has been saving what was not needed for his regular expenses. John had a brother, too, who was perfectly satisfied to remain at home and tend to his knitting, helping his mother in an effort to ease her life and fill a gap left by a negligent husband and father; and to complete the indignity we find that even Bill has a brother who, under the strict discipline of the overly sensitive father, is not only satisfied to remain at home but actually enjoys the long evening hours of companionship with other members of the family and openly regrets that Bill has not the loyalty to make the entire family life one of harmony.

Out of this dilemma we have gradually emerged until we have finally come to appreciate that it is not the situation itself that is important, but rather it is the individual's reaction to that situation.

As probation officers we have always had impressed upon us our responsibility for the protection of the community, so we sometimes lose sight of the fact that a child's world, however unreal it may be, is nevertheless his world. When a delinquent boy comes before me I am interested in knowing what he thinks about. It is not particularly important at that time whether those thoughts are true, whether they have a basis of actuality. The mere fact that the boy thinks them is important because his thoughts constitute his world. If we would understand his life and relate it to the world of reality, we must understand the elements that make up that life. If a boy tells me he ran away from home because his father abuses him and favors a brother, it is important. I may learn later there was no abuse and perhaps only a

little more recognition of the brother; nor is it important that the boy lied and misrepresented the situation.

What is important from the standpoint of treatment is that we are dealing with a boy who is competing unsuccessfully with a brother; a boy who has projected his failures and interpreted them as rejection by the father. The problem of treatment then becomes one of helping the boy to assume his true position in the family, achieving in proportion to his capacities and receiving recognition for his true value.

In other words, having discovered what he thinks we can discover why he thinks that way and thus we have the clue to correcting the mode of thinking, accomplishing a change of attitude. An attitude cannot be changed merely by a change of environment. The change of attitude starts only after understanding on the part of the probation officer and an attack upon the dynamics underlying that attitude. A boy's reactions today are the result of the experience of yesterday. To change his reaction tomorrow involves a change of experience today.

Maud Watson has pointed out that the objective of treatment is not only to adjust the child to his present environment, but to give him a philosophy that will enable him to adjust to future experiences with a minimum of conflict. If we penetrate deeper into our cases we shall find that conflict situations are leading the procession of causative factors. There are dynamic factors which bring about these conflicts and it is our job to seek these dynamic factors. We shall be surprised at times also to discover that what is a motivating situation for one child is not so for another child. Sheldon Glueck has said that unless we discover a person's own picture of himself and try to understand it and bring into it new and illuminative elements, we are likely to find it impossible to dig into his fundamental attitudes.



Three years ago at Atlantic City, Glueck made an appeal for probation officers to begin the recording of techniques used in the treatment of delinquent situations in order that other officers might become acquainted with successful methods and apply them in their own situations.

The following year Pauline Young published *Social Treatment in Probation and Delinquency*,<sup>1</sup> in which she brought out some of the techniques that are in use and have been found successful. She pointed out what Porter Lee had previously described as the executive-leadership phase of treatment. That kind of treatment involved activity of a more routine nature, such as drafting budgets, arranging diets, securing employment, provision for recreational and vocational activities, etc. In these activities the probation officer has become quite proficient. They are therapeutic measures in that they do help to curb delinquent behavior, but at the same time they are definitely limited in their effect. In the first place they are temporary aids. But more important, they are frequently effective only so long as the supervisor maintains his contact with the client. To be sure, we all recognize that there are gradations of problems presented to us. Some of these situations require only a limited amount of assistance and direction, and in some cases the limit of that assistance is represented by securing employment, budgeting the household, or performing one of the other functions which might be classified under the head of this "executive phase." The danger comes in failure to recognize the problem that goes beyond this stage.

We have attained a degree of proficiency in the executive phase of our treatment program but we have confined our efforts too much to that phase. This is probably

1. Pauline V. Young *Social Treatment in Probation and Delinquency* McGraw-Hill Book Company, New York, 1937

one of the results of the excessive case load that is forced upon the average officer, but it should not prevent us from a more extensive use of and at least some further experimentation in the interaction phase. I think perhaps a critical analysis of many of our cases of repeaters would indicate to us that failure was the result of omission to carry the treatment beyond the executive stage. This would be especially true in the case of juveniles.

Behavior, whether it is good or bad, is symptomatic. It may be indicative of a fundamental disorder of personality which we must recognize if we are to be successful in our treatment. Direct treatment of the symptomatic behavior is as futile as direct treatment of the symptoms of a medical disorder.

We find also that associated with behavior there is some secondary motive which may be much more significant than the primary and more apparent motive. Thus, for example, the boy who is abusive and hateful toward his playmates may be merely expressing a deepseated or subconscious hatred of his father. Obviously a treatment program directed solely at adjustments on the playground without giving the child an insight into his home life would be unproductive of permanent improvement.

It has been recognized that much of the success of treatment programs depends upon the full appreciation of this secondary subconscious motivating factor. All too frequently it is overlooked, and we find that at the conclusion of a long period of supervision the behavior of the child manifests itself in much the same fashion that it did at the outset. The success of treatment programs and therapy carried out by the probation officer depends upon his appreciation of the fact that behavior is symptomatic and in many instances that secondary motives underlie the more apparent primary motives.

Changing attitudes, we have long since come to realize,

involves much more than the superficial moralizing of the sentimentalist. It involves the establishment of new and real situations and the interpretation of these situations to the client, whether it be man, woman or child.

### *Illustrative Techniques*

The court's first point of contact with the child is generally in the detention home. He arrives there after an encounter with the police. He may have been subjected to an extended period of questioning as to his offense and at the hands of persons whom he looks upon as being distinctly unfriendly. If it happens to be his first encounter with the law he is frightened and between tears and sobs may admit or deny almost anything. If he has had previous similar encounters he may be arrogant, defiant, and very much on the defensive. The chances are that he is not aware of the attitude of the court or the procedure which will follow. He is interested in getting out of detention as quickly as possible. It is universally recognized that what happens to him in the first few hours of detention will have a decided bearing upon the later success of the court in establishing rapport with him.

If he is placed immediately with the rest of the group, there will be many questions asked and he will be put in the position of establishing himself in the eyes of the group. If he is turned over first to a staff member, there is the opportunity for proper instruction and direction that may help him get his bearings with the group and evaluate properly the court and the court workers. That first impressions are lasting is never more true than in the case of boys entering a detention home.

Recognizing this fact and realizing that in detention merely for the sake of detention much valuable time is lost, Toledo two years ago reorganized its detention home into a child study institute. The period of detention

is used as a period of study for each child. Written reports are submitted to the court covering the findings of the detention period.

The first step is an interview with a staff member. In that interview the purpose of the institute is explained simply and briefly. It is pointed out to the child that he may be held until the court hearing; that a probation officer will be assigned to work with him and his family. Care is taken not to indicate any possible disposition of the case, but he is encouraged to believe that the probation officer will be able to work it out satisfactorily. He is advised that he will have certain minor duties to perform. The school and play programs are explained and he is told that there is a privilege system and that he will be eligible to its benefits if he remains a week or longer. Privileges include attendance at his own church, swimming at the Y on Monday nights, attendance at selected motion pictures and attendance at any one sport event of the week.

It is deliberately pointed out to him that the detention home is not escape-proof and not intended to be, but that his best interests lie in cooperating with the staff members and the probation officer so that his case may be adjusted as quickly as possible.

What is the result of this program? Up to the time that this system was placed in effect there was an average of 48 escapes per year. Corporal punishment was used as needed. In August 1937 the change in policy was made. With this change came a change in staff. Trained workers replaced former sixty-dollar-a-month attendants.

Last year (1938) there were three escapes. So far this year (June 15) there has been one escape. No child has been subjected to any form of corporal punishment. Six hundred children have been released on privilege a total

of 3500 times. Two failed to return, two others committed a minor delinquency while on privilege, and six others overstayed their period of release by half an hour to two hours. Attitudes in the detention home have changed.

It has been demonstrated that attitudes can be changed in a detention home as the child is made to realize that the detention is incidental, and the real purpose of it is to give the court an opportunity to make the proper adjustment. A visit by the probation officer is made every second day which serves further to impress the child with the fact that an active interest is being taken in his case and that he has not been forgotten.

The most serious disciplinary problem has not failed to respond to deprivation of privilege. The use of group pressure is brought to bear to maintain the integrity of the privilege system. Violation of privilege by any boy results in suspension of privilege for the rest of the group for one week. The boys are thus made to feel the pressure of the group and before their release they are made to appreciate that the pressure of the group within the institution is not unlike the pressure to which they must submit when they are in the community. A distinct effort is made in this manner to establish a feeling of group consciousness and the necessity of conducting themselves in a manner that will be for the benefit of the group.

Specific and serious problems have, of course, been presented. They are immediately referred to the psychologist who attempts to work them out with the child. Thus the whole court carries on the investigation in the community and the psychologist carries out supervision of the child in the child study institute working out specific problems involving group adjustment—a dynamic process working with dynamic factors. /

Let me tell you of one case that did not respond im-

mediately to the routine of the treatment I have just outlined. Joe had been brought to the institute for stealing. He had probably been stealing for a good share of his fifteen years. He lived down by the railroad. His parents spoke only broken English and that poorly. He had to fight his own battles and had done so successfully thus far. When he was brought to the institute he announced that "no cops can pin anything on me." He listened sullenly to the explanation of the institute program and the court plans, volunteered the suggestion that it would probably take some time to work out his case, and when he received an affirmative reply sat back contentedly, apparently feeling there was no rush to get out. The place looked clean and he could hear happy voices of children playing and he knew he would be fed. It soon became apparent from the investigation that Joe never had submitted to any kind of authority. The parents certainly had been ineffectual. The officer on the beat knew him too well, and he prided himself on being able to outrun anyone in the neighborhood. Every effort to reach him through kindness had been unsuccessful. The officer tried it and failed, the school tried it and failed, and with each unsuccessful effort the boy's defiance and arrogance increased. Another effort was made at the institute. His growing resentment of authority welled up one day when he attempted a fight with a boy and the supervisor remarked, "You're pretty tough." He then doubled his fists and said, "Yeh! Wanna make something of it?" Joe was placed in isolation. It was the first time in his life he had ever been in a situation where no one cared what he said or did—where there was no satisfaction to be gained by running away because there was no place to run to and no one to run from. No one cared whether he kicked the door because he had no shoes on. He was faced with a stern reality from which he could not escape.

Six hours later he found his own companionship rather tiresome and meekly announced that he was ready to join the group and behave himself.

For nearly two years school and court had tried to break through Joe's shell, a shell he had constructed about himself—the only form of protection he knew. Every effort had been unsuccessful. Not until he had thought it all out for himself and understood the genuineness of these efforts to help him did he realize the futility of his constant struggle. Today, a year later, Joe is back in school keeping up with his grade. His probation officer is his best friend and he still calls out a greeting as we pass on the street.

### *Truancy*

Truancy has long been one of the most annoying problems of the court and the school authorities. We have recognized that while truancy very often is but the beginning of a delinquent career, there are many instances where it lends itself to treatment short of the full case work method.

Two years ago in Toledo in collaboration with the school authorities, a "truancy court" was established. The primary purpose of this court was to reduce truancy in the schools and to keep the children involved from reaching the juvenile court. The attendance department had been reorganized and a new chief attendance officer, experienced as a boys' counselor, had been appointed.

The plan of the truancy court involves hearings conducted in the school which the child attends. The hearing is presided over by the chief attendance officer. A representative of the juvenile court is present but takes little part in the hearing. Parents are cited to the hearing by the board of education. Present also are the field attendance officer or the visiting teacher and the home room



teacher of the child. The hearing is conducted in the same manner as the informal juvenile court hearing. Every effort is made to adjust the case during the hearing and work out a solution to the problem. There is a frank and open discussion of the school situation and all factors that enter into the truancy. Frequently these conferences have resulted in a change of schedule and even of school placement. Almost always there has been a clarification of the problem for both the school and the family. The hearings as I have witnessed them have been dignified and impressive. The child has left feeling that he has been fairly treated, parents have frequently been pleased at the better understanding they have acquired of the school program and impressed with their responsibility for cooperating with the school. The school itself has the satisfaction of having met the problem on its own grounds, and in most instances another child has been diverted from the juvenile court. The net result has been a marked reduction in truancy in Toledo.

### *Employment Technique*

We have all faced the problem of employment of adult clients. We have with more or less success been able to establish contacts with local employers by means of which jobs can be found. I imagine that in this your experience has not been greatly different from my own. Early in my field work I became discouraged at the frequency with which the same men would return for assistance in finding employment. A review of their work records revealed that prior to their court experience they had usually no great difficulty in finding employment, but that their greatest difficulty came in keeping the job once it had been located. Their employment histories frequently showed three or four job changes in a single year. With the depression the loss of a job became a matter of more



serious consequences. New ones were not readily available, and a technique had to be discovered for conserving the few placements that could be made. A shift in emphasis in the employment program seemed inevitable. Instead of spending so much time looking up new jobs why not spend more time in keeping men adjusted to their present jobs? A survey of the poor workers brought several interesting factors to light. They lost their jobs because of irregularity, friction on the job with other employees, waste of materials, and breakage of tools.

I had interviews with several employment managers and learned that they would prefer to assist in the adjustment of their employees if it could be done without taxing their facilities too much rather than to discharge them. The retraining of new men is expensive and results in a loss of time even in the most routine operations. The result of our conferences was the evolution of a sort of occupational adjustment service to the men on probation.

Instead of sending a man out to an employment manager with a letter of introduction we told him that a job might be available at a given factory. The employment manager was contacted by phone without the probationer's knowledge so that the probationer was assured of an interview. Placement usually followed, but the man had the feeling that he had secured the job himself. He was then required to make frequent and periodic reports in person on the progress of the job. For the first few weeks contacts were made directly with the employer to secure his reaction to the type of work being performed. The man was encouraged to discuss the problems of his employment and particularly the little things that annoyed him. There was a discussion of employer-employee relationships, of relationships with other employees, and of the need for regularity and reliability on the job.

The results of this program were twofold. In a selected group of cases it almost doubled the average period of employment prior to the court appearance. Secondly, for a group of people such as clerks and cashiers whose offenses had been embezzlement or some related charge, it helped them to accept the change in employment forced upon them by the very nature of their offense. For the probation officer it meant a larger number of persons benefited by the same number of jobs secured.

### *Reading as a Technique*

I think we are all agreed that reading has a definite value in broadening our horizons, and that from our reading we do take certain elements and weave them into our pattern of life, or perhaps our pattern of life is woven after certain patterns we have evolved from reading. What use have we made of reading in our supervision programs? Can we point to any one book and say "John Smith should read that book. It is just the thing that would help him to better understand his relationship to his group," or "It is just the book that will help him understand the development of a psychotic disorder and convince him that although his mother is in the insane hospital he need have no fear of following her." These are problems with which we are all faced daily and which we can help our clients to understand through the aid of selected reading.

Six years ago I established a small library in the federal probation office at Detroit. A group of friends, including two bookdealers, donated about two hundred volumes. They were kept in a conspicuous place and probationers and parolees were encouraged to use them. They were allowed to take them home and keep them until their next office visit. I had many interesting discussions of these books with the men later. The following

year I succeeded in interesting the library commission in the project, and a librarian was assigned to the office one day a week. On the day of her visit a sizable collection of books was delivered at the office by the public library. The project continued throughout the year. Several hundred volumes had been withdrawn from the office collection. Six men who had never had library cards voluntarily presented themselves at the library, took out cards, and used them six or more times during the year. Twenty-five more applied for the renewal of expired cards. This was an entirely voluntary action on their part, and was done without any solicitation by the officer.

I found that the books most frequently borrowed were those specifically recommended where either the librarian or I could tell an interesting episode of the book and create a desire to read it in its entirety. A further follow-up in the library can be made, especially if it is a small library, by contacting your librarian and asking her to keep watch for your client and recommend certain books to him. Like other people, probationers respond quickly to personal interest shown them and a librarian can easily arouse interest with no accompanying suspicion, especially in the small library.

I have been particularly interested in a 1937 publication entitled *An Invitation to Read*. It is a bibliography of 278 books for children. Judge Jacob Panken of the New York children's court became interested in the subject of directed reading for delinquent children and tried them out with books he recommended. The idea was brought to the attention of Mayor LaGuardia who appointed a special commission of librarians, teachers, court workers and child guidance people and asked them to compile a list of books suitable for children's reading. *An Invitation to Read* was the result. This little publication, put out by the New York Municipal Library, has

classified these 278 books by subject matter and reading level. Each book listed is briefly reviewed for the benefit of those using the list. It has been made to order for probation officers and contains every type of book that interests growing boys and girls.

In telling of his use of this list Judge Panken explains that he has made it a personal matter with the child. There is no "sentencing" of children to read, but they are encouraged to read a specific book and submit a written report on it. The judge personally replies to all such reports. He points out the psychological advantage in that the child identifies himself with the book and its theme. Also it appears to be important that the child feels the judge, in recommending a specific book, has taken a personal interest in him by selecting not just any book but a particular one. In a very subtle way the judge clinches this by a little personal letter after receiving the book review. And I am reminded of what Cabot said in commenting on Gluecks' *500 Criminal Careers*, that "no criminal was ever reformed except through the personal interest of some man or woman." Judge Panken has made one very significant observation, that not one of the boys or girls participating in this reading program has returned to the court on further delinquencies.

The reading project of the detention home at Oakland, California, is also worthy of notice, although no statistical results of it are available. It all started with the spare time efforts of a retired librarian who came into the home to tell stories to the children. She successfully weathered the first few days of withering scorn by the older boys, and within a few weeks the group looked forward with anticipation to her visit. The technique was to tell part of the story of a given book, always leaving it at an interesting and exciting point. The book was then made available to those who wished to read it to the con-

clusion. The important part of such technique is that there should be no moralizing. The story should sell itself as a story. Within a short time it became apparent that the interests of the children were far superior to what had been anticipated. Among a group of adolescent and pre-adolescent boys and girls some of the most popular books turned out to be *Robin Hood*, *Treasure of the Isle of Mist*, *Boys' Book of Verse*, *Girls' Book of Verse* and books by James Fenimore Cooper.

This latent interest in reading further impresses us with the fact that the limited interests of many children are due to their limited environment. Definitely one of our techniques is to broaden that environment.

Specific reading can often be used by the supervisor in aiding a boy or girl to understand his relationship to certain family situations. Jay came to the court for repeated truancy from school and home. He was of superior intelligence though his school achievement was definitely poor. His problem was essentially one of rivalry with a brother two years his senior. The dominant position of the older brother had always been emphasized in the home and Jay had been forced to a position which he had interpreted as rejection. Unsocial behavior developed and did actually result in rejection by the father. In school if he did well he was merely living up to the standard set by his brother. He therefore attracted attention to himself by mischief rather than by achievement. He gradually avoided conduct that would identify him with his brother. He was immensely pleased in school when his teacher one day told him that he was so different from his brother that no one would believe they came from the same family. At last he had achieved a personality in his own right. The rift in the home became greater and was accentuated when the mother, finally realizing the favoritism shown the older brother, delib-

erately relaxed her discipline of Jay. This created a breach between father and mother, and Jay assumed a new role of prominence.

In discussing his problem Jay admitted his dissatisfaction with his adjustment and stated that he did want his parents to be proud of him, but he wanted it in his own right without constant reference to his brother. His poor school achievement had shaken his confidence in his own ability, and it was necessary to reassure him on this point. In a general way the test results were given him and he was advised that he was capable of much better performance. The sibling rivalry was discussed with him in a general way. He was requested to read *About Ourselves* by Overstreet, and to return later to discuss it with the examiner. This book apparently opened new doors for him. He returned several times to discuss the book and his own problems. His mother read the book. A few weeks later the boy was taken on a camping trip by his father together with his brother. He returned from that trip having made the discovery that his father and brother were "two swell guys." Jay has gone throughout the school year of 1938-39 without a single truancy. He stops in now and then to visit with the examiner and all indications are that the crisis is past and both Jay and his father understand each other better.

The importance of the reading in this instance was that it enabled the boy to take authoritative material, simply written, and apply it to his own problem. An added value was that he was able to do it as he sat by himself.

These are but a few of the techniques which have been worked out by officers in the field. Many others are being used successfully all over the country. Some method of recording these techniques and passing them around for the rest of us to use would be invaluable.

The four opportunities to change attitudes which I

have described briefly have all involved that personal touch without which neither you nor I can expect to accomplish anything permanent with our charges.

And so I say again—

Attitudes are not changed by platitudes

Attitudes are not changed by beatitudes

Human conduct is changed by human contact.



## Group Work—A New Program for Probation

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THE problem of juvenile delinquency prevention and treatment in the United States involves a method for effectively reaching and maintaining a long time therapeutic contact with all the problem children of every community, from the time when problem behavior first manifests itself until maturity. The number of children with whom we must be concerned is probably much larger than has ever figured in official statistical tabulations. If the results of research in urban communities may be extended to cover the 30,000,000 children of school age in the United States, we may expect to find approximately one per cent known officially as delinquent, and another two per cent known as unofficial problem cases. In any event we are facing a problem which, though it deals in any single community with no more than a tiny fraction of its children, covers in the aggregate a large army of potential delinquents and criminals, and in large urban centers comprises a great number of cases. It is estimated in New York City that out of a million pupils 50,000 are in need of treatment for maladjustment and delinquency, and probably similar proportions might be established for other large cities if personality problems as well as aggressive delinquency were included in the statistics.

A wide armament of programs has been established to combat these delinquent trends. Juvenile courts have utilized probation, foster homes and commitment to correctional institutions. Public schools have utilized child



guidance clinics, visiting teachers, remedial retraining in tool subjects, classes for the handicapped and maladjusted, special schools, etc. Private social welfare agencies have made extensive use of child guidance case work treatment methods. Over and above these programs intended especially for the treatment of the problem child, both public schools and private social agencies have instituted large scale recreational programs for all children, with the hope that these would serve as delinquency preventives as well as sources of constructive play for normal children. There is no evidence, however, that we have successfully developed an armament of methods for reducing child delinquency nor that delinquency is actually on the decline. On the contrary, the evidence seems to indicate that the processes of social disorganization which lie beneath so much of delinquent behavior are continuing at a pace which negates much of our efforts at treatment. Therefore we should welcome the opportunities presented by new approaches to treatment in this field.

The larger portion of our effort has hitherto been focused upon the treatment of the individual delinquent by means of the case method. Where the need of a constructive program for the child's leisure hours was indicated, that need has usually been met by trying to fit the problem child within the framework of normal recreational play groups. Within the last dozen years, however, there have been increasing evidences that there exists still another tool, *individual treatment within group activity*. It is that program which I should like to discuss, and particularly its application to the field of probation.

I believe that through the method of individual treatment in the activity group we should be able to compensate for many of the deficiencies of case work, among which are the inability to provide treatment for more than a fraction of those needing it, the inability to pro-

vide a dynamic form of social experience involving more than two persons, the inability to provide a means for habit formation in social groups. As Joshua Lieberman has so succinctly put it in his preface to a recent symposium, *New Trends in Group Work*,<sup>1</sup> "Group work's outstanding contribution to the field of education is the experience that it provides in social living."

Since the development of methods of providing opportunities for experience in social living during school hours lies in the hands of educators, I should like to limit our discussion to that period of the child's experience which probation is in a position directly to affect, his leisure time. It is this period that is the greatest contributor to delinquency. The child spends more hours away from the classroom than in it. His delinquencies take place after school,—evenings, weekends and during the long vacations. Probation, therefore, has for many years faced the task of providing the problem child with a leisure time program that was therapeutic.

For the most part, the solution attempted has been to fit the problem child into the framework of normal play groups. As you and I know, that program has not been markedly successful. We have sent children to settlement houses and community centers, asking that they be placed in clubs. We have tried to exchange information with recreational center directors as to the specific needs of individual children. We have smoothed the way for problem children by personally introducing them or using volunteer leaders to introduce them to play groups, but we have not been very successful in fitting them into their niches in organized recreation. Always we hear the cry from case workers that their children drift away from the supervised play center; that the tug of the street is

1. National Association for the Study of Group Work *New Trends in Group Work* Joshua Lieberman, editor, Association Press, 1938

stronger than the attraction of the play center. We are told that Sing Sing receives very few Boy Scouts—for the very good reason that boys whose interests are in the direction of delinquency and crime have not been successfully interested on the whole in becoming Boy Scouts.

### *Lack of Leisure Time Facilities*

Part of the unequal struggle of the case worker to fit the problem child into the conventional institutional mold lies in the lack of adequate leisure time facilities for children in general, and the inability of community centers and settlements to limit their intake to numbers with whom individualized work could be carried on. In New York City, for example, only one-fifth of the children were estimated several years ago to have access to facilities for all-season recreation, although the addition of WPA recreational programs in schools and other public recreational centers has probably augmented this proportion since that estimate was made. In many neighborhoods in urban communities there are no indoor supervised recreational facilities for children.

However, I do not believe that the stress should be laid on the inadequacy of recreational facilities for children in general as the cause of the trend of the problem child away from the supervised center. I do not think that the creation of adequate recreational facilities for 100 per cent of the child population would solve the problem of the delinquent, for the evidence is that even present recreational facilities are not utilized as fully by problem as by normal children. Less than one-fifth of the problem children in New York are among the one-fifth of the children who participate in supervised recreation, if sampling studies are an indication. A study made several years ago by the speaker in an East Harlem area disclosed that only one-tenth of a group of 301 problem chil-

dren who had been under case work supervision had become participants in local recreational programs.

### *Play Group Makeup*

The major reason, to my mind, for our difficulty in fitting the problem child into the supervised play group is a sociological one. It takes into account the manner in which primary play groups are formed and developed. Child play groups are generally not a product of adult creation but of slow natural formation. All the social processes of attraction and rejection go into their making. All the subtle factors that cause certain personalities to be included and others to be excluded from group association are operative. It usually requires several years at least to create the nucleus of a primary play group. Association on the home block and the school playground slowly crystallizes friendships. The approval and disapproval by parents of specific friendship associations mold its membership in part. During the years between nine and twelve there is slow development of an organized form to this friendship group. A common experience is that block teams are formed for playing stickball, softball, or baseball. In areas where there are social disorganization and lack of supervision over children this organized form may take the character of the closely knit secret group, the gang. It is, to my mind, of considerable significance, as I discovered in a study of slum areas in New York City reported in a recent volume, *Slums of New York*,<sup>1</sup> that in a block of high population mobility there were no strongly marked children's friendship groups and no gangs, whereas in blocks where the majority of the families had resided many years there were a number of friendship groups, social clubs, and gangs.

1. Harry Manuel Shulman *Slums of New York* Albert and Charles Boni, New York, 1938

The final expression of group solidarity in affiliation with a play center as a team or club is therefore usually but the culmination of a growth process which has been a long while in development. The settlement house or community center does not drum up trade. Natural play groups, consisting of teams or often of cliques of boys, join voluntarily and are added to from time to time by other cliques. Frequently interclique rivalry and politics split the group and result in its dissolution as an organized play group. While solidarity is strong, admission to the group is by vote of its membership, and the play group is as quick to blackball as is the rich man's club.

Throughout this period of play group growth the problem child on the block is usually an outsider. He is not wanted, either because he may be too rough and a bully, too hot-tempered, too awkward and inept, or because he will not play the game according to the rules. He may cheat or steal the toys of the others or, quite the converse, he may be a shy, withdrawn child who fears the rough and tumble of normal play. Being excluded from the play group the problem child may become an isolated character, particularly if he is an introvert, or may join kindred spirits who have also been the rejects of the neighborhood in adventurous activities, hoodlumism, street trades and petty thievery. By the time the problem boy comes to the attention of the probation officer or case worker the gap between him and the normal children on the block has become a wide one, and socially he is demarcated by inferior status and specialized interests.

At this stage in the process of definition of social status the case worker or probation officer with the best of intentions attempts to reintroduce the maladjusted child into normal recreational groups. With the aid of adult leaders of the recreational center an attempt is made to influence the membership of clubs to accept the child or, if

the group is one that operates on a basis of leadership control, as the scout movement, the child is accepted by the scoutmaster as a tenderfoot. You and I have seen many such attempts, and in the main they prove abortive. Either the child is blackballed or he is made so uncomfortable at his first club meeting that he is glad to remain away from succeeding ones. If placed in a scout troop he may drift away after a short period of attendance, particularly if he flunks his second class tests. Clubs have been especially formed by case workers for the express purpose of bringing problem children into normal play groups. Scout troops have been formed with a similar objective. The writer has formed and operated both types of group. His experience has been that the problem children have drifted out of the membership, leaving with him those who have needed the association the least.

There must be a psychological reason for this inability of the problem child to fuse into the normal play group pattern. We have indicated that specific personality trends are the overt characteristics that prevent the problem child and the delinquent from normal play participation. But we recognize that these behavior traits are only symptomatic of deeper underlying maladjustments. The problem child is a bully who withdraws, cheats or steals, not merely because he *wills* to do so but because this behavior represents an attempt at adjustment in a situation in which he is a social inferior. He tries to even up the differences by arrogating special privileges to himself, without insight into the mechanisms forcing him to his conduct and usually while projecting blame onto the rest of the play group for his own ill success in their games.

We must therefore recognize that perhaps the basic problem in attempting the social rehabilitation of the delinquent is that in the majority of cases he is socially

immature,—his social experience is below the level of his physical size and his chronological age. When placed in a play group in which he must directly compete with other individuals, either in team play, in argument, or in the countless other competitive activities that form the bulk of recreational programs, he usually develops defensive attitudes and projects blame upon others for his failures, because he is attempting to get along in company that is too mature for him.

### *The Activity Group*

There is therefore definite need for *sheltered play groups* for maladjusted children, in which they can have the experience of creative play without the pressure of unequal competition and particularly without the stimulation to defensive behavior that comes from directly competitive play. I believe that this sheltering environment can be created through the use of the creative activity group. I also believe that a sufficient number of experiments have been conducted in different centers to prove the feasibility of use of the creative activity group in attracting and holding the interest of even severely traumatized delinquent personalities. It of course remains to be determined just how much transfer there is from the activity group situation to other group situations such as school and the family. We know that we can achieve adjusted behavior within activity groups. It remains for further experimentation to disclose the effect of the activity experience upon the general personality growth of the maladjusted child.

Having gone thus far without describing the nature of the activity group in recreation, perhaps we should pause to consider just how it differs from the ordinary recreational club or play group. First of all it is not a natural group. It is formed not by children, but by adult



leaders. It is formed on the structure of the class rather than of the club, even though it may be a club in name. It holds no formal meetings, has no rules, no officers, no order of business. Its purpose is to give the individual child a means of self-expression without competition or without the necessity of initial cooperation with a group. It is usually formed around manipulative activities, hence its name, activity group. These manipulative activities may be of many types,—woodwork, arts and crafts, art, clay work, leather work, puppetry, rhythm bands, drama workshop, etc.

The use of manipulative activities has a sound theoretical basis. The maladjusted child is usually inferior even to his own cultural group in verbal skills. He usually is retarded in school, reads poorly and without pleasure, is limited in his vocabulary and is inarticulate. He is therefore usually handicapped in recreations involving language dexterity. But in mechanical ability, as evidenced in a number of psychological studies, he is usually the equal if not the superior of unselected school children of his own age. In the creative activities he has an opportunity to occupy himself at a level in which his capacity is equal to that of normal children. He thus has an opportunity to experience the gratifying thrill of successful achievement. It is true that there are maladjusted children who are as inept in mechanical achievement as in verbal skills, but even these if skilfully guided may obtain a degree of pleasure out of simple manual productions. Thus in the activity group the maladjusted child manipulates primarily materials instead of verbal ideas and persons.

Equally significant in the activity group is the nature of the relationship between the adult leader and the child. The maladjusted child is almost universally a product of unfavorable relationships to adults. He is hostile to



adults and fearful of them or, on the contrary, he may be completely dependent upon adults and requiring their guidance and approval at every step. In either event his relation to the adult is not a natural give-and-take, socially mature one. But in the activity group a basic principle is that the adult leader does not take an authoritative role. He does not serve as a monitor, a didactic teacher, or a boss. He tries to follow a passive role in which his function is to suggest, advise, help solve knotty problems, illustrate techniques, provide materials, etc. No disciplinary measures are taken. The rule is that problems of conduct must be solved within the group by means of activity. If a child is not enjoying his work and is for that reason interfering with the activity of others, the solution is to find out what obstacles he has encountered and help him overcome them, if possible, rather than to deal with his behavior symptoms.

As a result of this philosophy the activity program minimizes friction between the leader and the child, and healthy, friendly relationships are established. Under the influence of this relationship it is believed that hostility attitudes resulting from unfavorable contacts with other adults may be modified, and dependency attitudes resulting from infantilization in the home may likewise be overcome. Actually, in the conduct of activity groups it is a common experience that disciplinary problems are very rare and the behavior of problem children is indistinguishable to the casual observer from that of the well-adjusted child who may be a participant in the same program.

My own conversion to faith in the usefulness of the activity program took place during the period when I was director of the Hawthorne-Cedar Knolls School. This school received in its two divisions severely maladjusted young persons of both sexes, boys at Hawthorne

and girls at Cedar-Knolls, from the ages of twelve to sixteen years, on commitment from the Children's Court of New York City. It was my good fortune to be charged with the task of introducing a progressive educational philosophy and program into an institution formerly operated on the basis of military discipline. It was my privilege to introduce into this setting a creative leisure time program including such activities as art, arts and crafts, drama workshop, photography, harmonica club, choral group, rhythm band, writers' group, printing club, library group. There was a remarkable response to this leisure time program. Whereas hitherto a handful of aggressive boys had monopolized the athletic program and the others had spent their time in unproductive spectator activities or had read adventure stories, the introduction of the activity program under trained leadership, with adequate materials and with suitable workshops, resulted in a release of tensions and a development of skills that astonished even the educators who conducted the program. Concomitant with their increase in achievement, there was a correspondingly remarkable improvement in poise, lack of tension and an increase in friendliness on the part of the majority of the boys.

#### *Probation Limitations*

It is my belief that probation is in a position to make effective use of the method of the activity group, provided certain safeguards are set up. These I shall discuss somewhat further along. The field of probation is beset with many problems concerning the effectiveness of its treatment methods. Probation has been on the defensive with regard to its authoritarian position. The mental hygiene group has taken the position that case work treatment cannot be based on force; that the child cannot be made to accept treatment if he does not feel the need of it.

There is a considerable degree of merit in their argument. On the other hand, probation has been criticized for handing over to private social agencies much of the technical portion of its duties and responsibilities. Thus it has been attacked both for doing too much and doing too little. Except in a limited number of instances it is not equipped as yet to do a case work job equal to that of the visiting teacher or the child guidance clinic. Progress in child guidance techniques has been made almost as fast as in case work standards of probation. Because of the great press of cases, probation can provide only a short period of supervision. Though there have been periodic increases in the number of probation officers, a rising in standards of case work, reduction in case loads, and extension of the age limit of the juvenile court in many jurisdictions have kept probation from continuing its period of supervision in the average case to the point considered necessary in the better child guidance clinics.

Because it cannot depend entirely upon case work as its treatment method, probation has great need of a social technique through which it can evolve a large part of its treatment program. It has, furthermore, a need for getting into a form of relationship with problem children within which those children reveal in a dynamic and group therapeutic setting those personality traits which interfere with social adjustment. It has already been made evident that this cannot be accomplished within the ordinary channels of recreation. I therefore suggest that the field of probation undertake to experiment in the utilization of sheltered recreational activity groups under its own auspices as a treatment method on a par with the case method.

Such a program involves several practical considerations, with reference to the auspices of such groups, the standards of leadership and the content of the program.

I believe it necessary that probation provide its own paid leadership. I consider it inadvisable to depend upon voluntary leadership. A volunteer qualified both in his point of view and by training to carry out the principles of progressive education in the recreational guidance of problem children is *a rara avis*. A second requirement is that probation must have control of its sheltered recreational groups under its own leadership, but that they should be set up within existing community recreational facilities, not in competition with them. In this way the ends will be served both by taking advantage of the previous experience of recreational agencies and by setting up these sheltered programs within centers well known to children, and less likely to stigmatize these participants. Wherever possible, well-adjusted children ought to be mingled with problem children in such sheltered activity programs, to give the problem child the constructive experience of association with normal children.

Directing a group of related activities in a sheltered division of a recreation center, there should be on the staff of the probation department a program director with teacher training and experience either in a progressive experimental school or in a public school operating fully on an activity basis, or with group work training in a school of social work plus experience in the guidance of maladjusted children in activity groups.

As leaders of individual groups or activities within a center, experience has shown that mature college students who have majored in psychology, sociology or education and who have had previous group work experience in settlement houses, community centers or camps can, with a relatively short period of training, obtain the point of view and the minimum of skills necessary to direct activities. It has been found that where students may substitute this work for term reports they enthusiastically

devote to it much more time per semester than they would have devoted to term reports. It is unnecessary to point out that the advantages to the student leader in personality growth arising from dealing tactfully and effectively with problem situations, in making acute observations of the behavior and attitudes of children, in acquiring the concepts of progressive education, and in carrying the responsibilities of a group program, more than compensate him for the time devoted to this work. It should be emphasized that it is not desirable to let students take a clinical attitude in their work. It is desirable that they do not know who in their groups are problem children and who are normal children, and that they do not read the case records of these children. It is desirable that they work with the maladjusted child as a child and not as a problem, and that they depend upon the sound use of activity methods to solve their problems of guidance.

It is my belief that if these precautions are faithfully observed the field of probation has within its grasp a splendid new technique of treatment that will enable it to combat effectively the trends toward social disorganization in the lives of many thousands of young probationers. Just how effective this program may be remains for experimentation and evaluation to determine, but we have spent millions of dollars in the extension of case work without having had any more assurance of its ultimate effectiveness. May we not spend now a lesser sum on the development of this group approach to treatment, which has already been proved to the point that we are at least sure it is a feasible method of providing constructive guidance for the maladjusted child during his leisure hours, that it will attract and hold the interest of the average problem child, and that it holds the possibility of becoming a major treatment tool?

### III DETENTION TECHNIQUES



#### The Use of Boarding Homes for Detention

MARJORIE WALLACE LENZ

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THE children's court of Erie county was organized in 1931 under the Children's Court Act of 1929, and given the combined jurisdiction of the former juvenile courts of Buffalo and Erie county. Cecil B. Wiener was elected judge of the new court and became largely responsible for the work of reorganization. Judge Wiener brought to the court not only training in the law but an honorable record in social work. She was well acquainted with the work of the various local social agencies and ready to draw on their resources and experience for help and advice in building up the court and determining its structure and methods.

She asked the Children's Aid Society of Buffalo and Erie county, which had signified its interest in assisting with such a program, to cooperate with her in providing foster home care for the detention of children awaiting disposition by the court. Other communities had used foster homes for detention to supplement existing institutions, but no community that we knew of had tried to depend on them exclusively.<sup>1</sup> Ten years previously at the National Conference of Social Work in Toronto, a plan for foster home detention had been introduced but was given little serious consideration.

1. The Boston juvenile court, whose jurisdiction covers the central district of the city, used foster homes exclusively (with rare exceptions) for some years previous to 1929.

In Erie county the placing of dependent and neglected children in permanent foster homes rather than in large institutions had been practiced for many years and had proved its value. Buffalo agencies had made use of the institution operated by the Children's Aid Society as a temporary shelter and study center for these children in the interval before final placement. This shelter was discontinued in 1924 after some experiment. The society recommended foster home care for the children from the beginning and the setting aside of certain homes for study of the children in the interval before placement. A group of private homes had been developed by the society ready to accept any child at any hour of the day and night for temporary care. These homes were made the concern of a special supervisor with special workers. While the children were in the homes they had physical and mental examinations; personality and habits were studied, and diagnostic summaries were sent to the agency responsible for their permanent care or placement. Many of the children had serious behavior problems which might have brought them into contact with the children's court. Some methods were developed for handling such cases by both workers and foster parents.

Here was a technique ready at hand; its real advantages to the children concerned had been proved by careful experiment. The opportunity to study a child in the setting of a foster home rather than against the less normal background of an institution promised to be as important to the court as to any other social agency.

The Children's Aid Society had to its credit ten years' experience in developing foster home work in Buffalo and Erie county, and with its skilled cooperation the details of the plan were worked out. The society agreed immediately to provide for the court three foster homes and one half time and two full time workers trained in their



temporary placement department. Moreover, the society gave the services of their homefinder to the court to aid in the establishment of a group of foster homes which should be adequate for the detention service, and offered to take care of the bookkeeping for the department. Except for the expenses of the homefinder and those related to bookkeeping, the costs of the newly created detention department were undertaken by the court.

A place was found for the three members of the detention staff in a small corner of one of the offices in the building owned by the county and used by the court. For the first five years of the department's existence, because of a lack of space it managed to do its work with one desk and a table, without private rooms for interviewing children or parents, and with no special place for children to wait until hearing time or during periods of consultation among the workers.

Thus on January 1, 1932, with limited personnel and resources, the children's court set forth on its experiment in detention. The court was required to serve a large county with an area of 1040 square miles and a population of 719,195, which included the city of Buffalo with its population of 572,076. During the first year the detention department handled 640 children, some of whom were brought more than once before the court.

The building up of a group of foster homes adequate for the work of detention in association with a busy children's court is a slow and gradual process. Years of experience in homefinding by the workers who made the selections has helped to define the basis for selection and to shape the character of the homes themselves to ways better adapted to this purpose.

Selection is the task of the homefinder who, with a minimum of definite requirements, must depend largely



on her experience. We require our homes to be within a reasonable distance of the court building and also of the children's hospital of Buffalo where the medical work for the children is done. The foster parents must own the house in which they live or secure the express permission of the owner to do the type of work required, a permission not always easy to secure. We have eliminated the use of any homes with children under sixteen in the family. We have discovered that, especially with some of our delinquent girls, we have had success with homes where there was no man. The difficulties which arise with these girls were rather increased than diminished by the presence of a man, and only an unusual man could deal with them successfully.

### *Receiving Homes*

By "receiving homes" we mean a place where a child may be taken by anyone on the police force or anyone in the community at night or on holidays, at any time when the children's court offices are not open. We have found that most of the children who come into detention are picked up by the police or by private individuals at night and brought into these homes. Here, especially, a superior type of intelligence is required of foster parents who must know how to deal with the public, to care for excited or frightened children, and to act quickly and wisely in an emergency.

Among the homes first used for the detention experiment was one which had been used at one time by the Erie county child placing department and later by the Children's Aid for temporary care. This now became the receiving home for white girls waiting to be brought into the court. In the girls' home an unmarried woman in her

thirties lived with her mother. They owned the house, had a family living on the first floor, and they occupied the second floor apartment. They had three very nice bedrooms, two of which were arranged for care of the children. By having two single beds in each room, space was provided for four girls.

The second foster parents were selected because of their vigor and intelligence. They had been living in an apartment and had taken a small child to board with them. After some time and effort had been spent to interest them in the job, they were persuaded to move to a ten room house and establish the receiving home for white boys. Because of its size this home has been specially inspected by the fire and health departments and has been given a special boarding license. There are five bedrooms in the house, which means three bedrooms with accommodation for two boys in each room, and an extra room for use in various emergencies. The family has its own bedroom and bath. The boys have a toilet, wash bowl and shower in the basement. A sitting room on the first floor is reserved for their use. This home was at first considered to be a bold experiment, and like other experiments it has little by little been adapted to perform the work demanded of it. When it was first established the boys' sitting room was furnished elaborately, with colorful curtains, a rug, large comfortable chairs, lamps, etc. At the present time the rug has given place to bright linoleum; a large and heavy table stands in the middle of the room; and the only other furniture is a bookcase and desk and four heavy benches, which the boys have made to fit around the four sides of the table. A high powered bulb in the ceiling is protected by a wire guard. It took just a month for the large leather chairs to be cut in strips, the lamps smashed, the curtains pulled down, and the rug to be reduced to a threadbare condition. So

much we have learned as to the amount of punishment a receiving home will have to take. During the five years that this home has been in use more than two thousand boys have come and gone, and even with plain and substantial furnishings the wear and tear is severe.

Locating an appropriate receiving home for Negro children was one of the first homefinding jobs. A family was found, consisting of a man, a woman, and their unmarried daughter, a young woman in her twenties who was working outside the home. These people owned a single house which was located in a section of the city some distance from the two thickly populated Negro communities. The house was very well furnished, nicely cared for, and had two bedrooms for children, one on the second floor and one on the third floor. It was decided, after some consideration of the Negro population at the old Buffalo detention institution, that it would be unnecessary to set up a special receiving home for Negro girls. Very few are brought into the children's court in Erie county, and we decided to have such girls brought to this home and given the third floor room where they could be kept over night and transferred in the morning.

Our plan at first was to send the children to the receiving homes only as a temporary device and to remove them almost immediately to other homes for more extensive care and study. Gradually, however, we have come to abandon any hard and fast rule, preferring to make use of the home most appropriate for the child concerned without regard to category. The close supervision and extra precautions against escape in the receiving homes make it easier for them to take care of children who are special problems and children with a strong tendency to run away. In all the receiving homes the practice is never to leave children alone; the windows are adjusted so that they can be raised only a certain

height, too low to permit a child to escape, and the foster parents keep their front and back doors locked and carry the keys on their persons when a difficult child is in the house. In the boys' receiving home, where there is no one in the family except the foster mother and father and where most of the children who come into detention are brought, we have had to arrange for relief help. A brother of the foster mother has been engaged for the purpose by the court, and is paid to spend two evenings a week and every other Sunday in the home. Someone must be on hand every night, all night, in case a boy is brought in, and every day the court is not open. During working hours children are brought directly to the court offices.

Thus, in various emergencies we have come to depend upon our receiving homes and to use them for longer intervals than the day or two originally intended for certain types of cases. An out-of-town runaway child whom we do not wish to hold with local boys and girls stays at the receiving home, and we are apt to detain there children brought in from custodial institutions or on their way back for further care. Some children when they first come into detention have a fixed determination to run away, and time must be spent to induce in them a less antagonistic mood before they can be sent to the other type of home.

Two of the receiving homes have continued on the job ever since the work began six years ago. We have had to change the girls' receiving home as the older of the two women in the first home died and it did not seem wise to continue with only one adult person in the house. Fortunately we were able to adapt for receiving work one of our other foster homes which had been used for detention of girls.

*Other Detention Homes*

In June 1939 we had ten homes available for detention service. These homes were all investigated and licenses were secured from the State Department of Social Welfare. They had not been used as foster homes by other agencies, and the preparation and training of the foster parents has been exclusively the work of the court's detention staff. At times we have had as many as fifteen homes for use in the detention service, but we find that we do better with fewer homes kept more actively at work.

Two of the homes, including the receiving home, are assigned for Negro boys, one for Negro girls; two of them for white girls; and the remaining five are for white boys. The homes are Protestant and Catholic in proportion to the intake of these religious groups. There is no Jewish home as only two or three Jewish children come within the care of the court in a year, and we cannot afford to reserve a special home for so small a group. In consideration of the large Polish and Italian populations of Buffalo we have tried very hard to have available Polish and Italian homes for children who would fit into such homes most comfortably, but we have succeeded in developing only one Polish home which has remained with us, and no Italian one.

The initial interview by the detention worker with a boy or girl takes place at the receiving home, and thereafter, in the great majority of cases, the child is transferred to another home chosen with consideration for his age, his character and problems, the ability of the foster mother, and the types of other children already in the house. Here he will find fewer rigid restrictions than in the receiving home; and an effort is made to achieve a sort of family life in which he will be encouraged to take

his place. We do not have any elaborate recreational equipment in these homes, but each home has a variety of games and well selected books given by private individuals in Buffalo; some homes have a punching bag for the boys, all have medium-size yards with equipment for basketball practice and horseshoes. We have the use of a jig-saw machine given by a friend, and boys make their own jig-saw puzzles and their checkers, checker boards, etc. Rather than buy the games, we prefer to have as many as possible made by the boys in their handicraft work.

Events for the child in the foster home include visits from the detention staff workers, the school teacher, the handicraft worker, the probation officer who is making the social investigation, the child's parents or other relatives, and excursions to various clinics for physical and psychological examinations. Thus by slow degrees the history of the child and his problems is assembled for the court, including observation of his behavior in the foster home by the foster parents and by the staff workers of the detention department. The record of conduct in the home may ultimately be the determining factor in the placement of the child after judgment by the court.

### *The Foster Parents*

Each foster mother and father has gone through a period of adjustment. There is the period when they are afraid of the children, and the period when they become tired of doing the sort of work required and think they might like to try some other kind of placement work, and the period when they become too emotional over the children who leave them. It seems as if almost every home goes through the same stages. It becomes the job of the department workers to give the support required at any time, and to distinguish those people who will

survive from those who even with help cannot stand the strain.

The work of training the foster homes is a slow, tedious process. It is necessary for the workers to be available at all times to the foster parents, to be on call morning, noon and night if they need advice or assistance. To make their work possible the foster parents must be given at an early stage the assurance that the job is a cooperative one between them and the department, that the department stands behind them at every turn. Given the proper support and direction, the foster mothers particularly often develop special and valuable skills for their work, some becoming good with health problems, others with emotional or personality problems.

Only a few homes which have been tried have been unable to do the work. Of the number we have lost, the majority did splendid work while they were with us and have withdrawn because of illness in the family. The foster parents are paid one dollar a day for each child and in addition three of the receiving homes have been given subsidies to be used for extra telephone service, for relief assistance, and as compensation for the necessity of keeping the home open at all times of the day and night. Our limited funds have not permitted extending the subsidy plan as far as we consider wise and even necessary in cases where additional help in terms of money would do much to ease the effect of constant strain. In setting up the budget for a new department of this type, we should urge an item for summer vacations with pay to foster parents who have been confined with difficult cases during the year.

#### *Meetings with Foster Parents*

The department holds foster parents' meetings during the months from September to June of each year. We



try to have at least one meeting every other month, and where important questions arise we may have meetings in two successive months. Too frequent meetings become burdensome as each involves planning and special arrangements for care of the children in the detention homes during the time of the meeting.

Most of our meetings are luncheon gatherings and usually every foster mother comes. All the workers from the department are present, including the handicraft worker and the school teacher. The workers and foster parents pay for these luncheons which are held at the YWCA. At first it was difficult to get any sort of response from the foster mothers for any type of discussion, but this has been overcome as they seem more at ease with each other and with the members of the department. We try to arrange to have one person discuss some phase of the work which is of interest to the foster parents at the time. The judge has spoken to them; and on occasion we have brought in experts from outside the court, such as doctors, psychiatrists, foster home placement workers from other agencies. The foster mothers are urged to ask questions and get all the help they can from the expert present at the meeting. One result has been to stimulate interest in the theory of the work, and when the court had an opportunity to give radio programs about its work, the foster mothers themselves contributed radio talks which they had written, and four of them presented their own talks over the radio.

One meeting a year, usually the Christmas meeting, is made a purely social affair and is held at the court. Once a year we have a dinner meeting for our foster fathers. We try to make this a social event as well as a training experience. The expense of these dinners has been assumed by the judge and the staff of the department.

We believe that the meetings do their share to develop



in the foster parents a sense of being part of an organization, associated in interest and responsibility with the working staff. Therein lies their greatest value.

### *Clinics*

The children's court of Erie county has depended for its clinical work on a number of clinics established by other agencies in the community and distinguished by fine records of work well done. The plan has been financially expedient and cooperation with other agencies has helped to increase the interest of the community in the court. Every child held in detention has a full physical and psychological examination. Clinical recommendations, such as eye examinations, dental care, etc., are carried out during the child's period in care. The reports from these clinics are sent directly to the judge.

In seven years we have had one home quarantined—for mumps. The receiving home foster parents are given careful instructions about sanitary precautions before the physical examinations. Children with positive Wassermanns or smears are hospitalized.

Psychiatric service is also available to any child in the court. The detention workers attend conferences and have the benefit of direction from the court's psychiatric social worker.

### *Reports*

The detention report to the judge is made in chronological order. These entries include the foster mothers' findings, the workers' interviews and experiences, the teacher's and handicraft teacher's observations. This record is supposed to present a picture of the child as he is seen as an individual away from his environment.

*Staff of the Detention Department*

The job of the supervisor of the department is two-fold. Three days a week she has the care of girls in detention, and at all times she is responsible for administration of the department. She plans the work of her assistants; supervises the running of the foster homes and smooths out difficulties with the foster parents; coordinates the numerous reports coming to the department, and the work of the probation officers and detention workers; sees that all important information is quickly made available to the judge, and holds conferences with the judge about detained children before their court hearings. She meets most of the parents and others who come to the court in the interest of detained children, and is usually responsible for the health history of a child in detention as required by the doctor for medical examinations. When a child who has been in detention is sent to an institution outside the city, she makes the necessary arrangements, having first to secure the consent of the institution to take the child and finally to provide for his transportation in the care of a worker. She must be prepared to help in every way possible to maintain friendly relations with other agencies and to interpret the work of the department and the court to different groups in the community.

The case work of the department is done by the supervisor and her two assistants. The average number of children per day in detention is sixteen. This varies from a much smaller number to as high as thirty-two. The department is responsible for the care of these children, which means assisting in their adjustment to the foster homes, taking them to their respective physical, mental and often psychiatric examinations, and supplying the necessary reports to the court, the placement agencies, and other institutions.

The boys' worker in the detention department has the largest case load, which usually runs between forty and fifty children each month. This number, together with the children held over each month, often makes almost too large a case load for one person, especially when each case is exceedingly active.

The girls' worker is at the children's court three days a week and works in the Children's Aid Society the other three days. The detention supervisor also takes part in dealing with the girls and sees any new girls who come in on the three days when the girls' worker is absent.

We believe that previous education and experience in the children's field is necessary for our workers as it enables them to make the very specialized work they are to undertake assume its proper place in the understanding of case work as a whole. Moreover, it lessens the danger of workers getting too intense over the particular type of case which comes into court during the period when it is in care of the detention department. Our case workers are given the chance to work intensively with foster parents; they learn at first hand from the children the needs of the community and the sort spots which are the source of a variety of problems. They must become capable of quick analysis of the problems of the individual boy or girl within their care. In having to spend a great deal of time with very obstreperous children they learn to work under pressure; and the difficulties and sudden emergencies which arise in the course of a week's work are more than sufficient to test their mettle and develop any latent capacities.

We have had three different men workers and three women workers at the court. All of these various workers except one have come with special training in children's work. One man worker left to be head of the probation department in another city. The second passed first on

the civil service list of probation officers for Erie county. Of the two women workers, one left to get married, and one to take a homefinding job in Westchester county. We believe that the work in the detention department is not a dead end but a study period for workers where they can get an intensive picture of problem children and learn how they must be handled in their most trying periods. The work also provides excellent training for the development of speed and precision. As the interval when a child is in detention is limited, experience in the department is not particularly helpful in creating techniques for handling the type of problem that can be worked out only over long periods of time.

### *Handicraft Worker*

At one time we had two handicraft workers, one for the girls and one for the boys. They were selected by the school department of Buffalo, which also supplied their equipment, and their salaries were provided from WPA funds. In 1936 these funds were withdrawn and the county board of supervisors came to our assistance by providing for one man to teach the boys.

Our handicraft teacher is a normal school graduate and is both expert in his craft and much interested in the work of the department. He spends two half days a week in each boys' foster home, working with the boys on all sorts of handicraft projects and teaching them how to do simple manual work about the homes. His selection depended not only on his skill as a teacher but on his ability to fit in easily with the routine of the foster homes. It is important that he should be the type of person who will be acceptable to the foster parents, and who can be relied upon to go from home to home without conveying gossip or creating turmoil.

### *School Teacher*

The school department of Buffalo supplies a school teacher for the children's court, pays her salary, and provides school materials and a small library of school books for each of the detention homes. Like the handicraft worker, she is prepared to fit into each type of foster home without friction and to meet all types of children with their very different problems. Once a week the teacher reports at the offices of the court for information as to the children in detention, especially their rating at school and deficiencies in school work to which her attention will then be directed. She sees that children are given their examinations, and may make arrangements for them to be transported to the school to take examinations. When we have older boys and girls waiting in detention, perhaps for foster home placement, we often send them out to school from the detention homes even when they are with us for only a short time. For these and other arrangements it is imperative to have a teacher who is well acquainted with the routine of local schools, who is respected by the school department and able to secure full cooperation.

### *Special Problems of Detention Care*

The great majority of children who come into detention are delinquents and the detention service has been designed primarily for their care. Other types of children are occasionally brought into the department, complicating our problems and sometimes straining our resources but they are immediately referred to other agencies and removed from the detention homes.

Defective children are often brought in as delinquents. These children constitute a problem for the foster parents because they require careful watching. Whereas the average period of detention is twelve days, defective chil-

dren often have to remain in detention for as long as three or four months. They are held for transfer to state institutions for the feeble-minded. During the waiting period we continue any medical or dental treatment which has to be given. Special county doctors and workers come to the home for the benefit of these children and make a variety of demands upon the foster parents. Aside from the extra burdens imposed on workers and foster parents, the prolonged stay of the children tends to clog the detention homes and interfere with proper placement of other children. We have a relatively small number of such cases in a year.

Dependent or neglected children are not held in detention in Erie county. Any such child brought in is immediately referred to the Children's Aid Society for temporary care. At times we have children who have been charged with delinquency and are subsequently adjudged neglected, but with such exceptions neglected and dependent children are the concern of other agencies from the beginning.

The court is legally responsible for holding children as material witnesses, not only for the children's court but for other courts in the community. When the court first set up its detention service we had a number of children brought to us to be held as material witnesses. Every effort was made to give these children the sort of life which would be orthodox for children of their age. They were placed in homes in outlying sections of the city and were sent to the regular schools. They could not stay to play after school or go visiting, but were allowed as much freedom as the court felt to be reasonably safe. At the present time the Children's Aid Society takes responsibility for most of the children held as material witnesses, and only when a witness is herself charged with delinquency is such a child held by the court. Pregnant girls

brought in as material witnesses or as delinquents are not held in detention but remanded to one of the several maternity homes available for their care in the community.

The court's detention service is also available for the care of transient children who come from every part of the country and are brought to the detention homes sometimes by the Traveler's Aid Society or other private agencies, more often by the police. The Federal Transient Bureau during its brief existence in Buffalo made use of our detention service for the care of boys and girls under sixteen. We worked in cooperation with the bureau and for the few years of its operation cared for a larger number of transient children than we have had since the service was discontinued. Other departments of the federal government, such as the immigration and post office departments, continue to send children to us from time to time, and the expenses of these children while in the detention homes are paid by the respective departments.

Our boys' receiving home is often used by the parole officers for boys from the State Agricultural and Industrial School at Industry, New York. Sometimes they are runaway boys picked up in Buffalo, sometimes boys from other communities on their way to the school. Usually they are kept in the receiving home over night and are removed by the officer from Industry the next day. Their board is paid by the school. The same type of service is occasionally used by parole officers from other institutions, but not to any great extent.

#### *Working Relations with Other Agencies*

In building up its detention service the children's court has to a large extent depended on the resources of various agencies already well established in Erie county. We have sought their advice and made use of their services,



and we know that without their cooperation our experiment could not have been maintained.

The important part played by the Children's Aid Society in the establishment of the detention service and its continuing assistance in many aspects has already been described. A great part of the clinical work done for our children is provided by the children's hospital of Buffalo, especially the guidance clinic of the hospital, the Guidance Center of Buffalo, the Catholic Charities psychiatric clinic and occasionally the Children's Aid psychological clinic.

When it is decided that a delinquent child must be sent away from home, preferably not to an institution but to a permanent foster home, we ask for help from the Catholic Charities, the Children's Aid Society and the children's division of the Erie County Welfare Department. All of these organizations will upon request find family boarding homes for our children and accept them for care.

Public relief agencies in the city cooperate with the detention department in many ways. Their information with regard to a child's environment helps us to determine whether a child may return home pending his court hearing or whether he must remain in detention. Where children belong to families on relief or on the borderline, we call upon the relief agencies not only for clothing but often for medical, surgical, or hospital expenses.

Our concern with delinquent children has inevitably brought us in close contact with the police department of Buffalo. Most of the children coming into detention are brought by the police, and when a child runs away from a detention home, police help is sometimes sought in finding him again. The detective bureau comes to our rescue when runaways from out of town are in our care, and its



wide facilities for communication are valuable to obtain information as to legal residence and the ability of a family to send for its child. The detention department feels special gratitude for the cooperation of the police because we realize that many of the officers are not particularly sympathetic with the sort of work we are trying to do. Trained for the most part to the institutional type of detention, the present plan of a number of scattered every-day-appearing houses seem to them a poor and bloodless substitute. When a child runs away it is natural for the police to suspect that we are not properly aware of the tendencies of delinquents. That the risk of a run-away may be part of the treatment being tried by the department is hard to explain. Often it helps us in the final plan for a child to know how he is likely to behave when living not too closely under guard, allowed to go to school, and treated like other children in their own homes. We have few runaways considering our population, only eleven during 1937, six in 1938. All were returned, the larger proportion by the detention workers. The sheriff's department, the state troopers and especially the railroad police give us splendid cooperation.

Although we have spoken of various groups and their functioning in the detention program, we leave to the last one of the most important. The juvenile division of the probation department is comprised of nine officers. This department handles the family investigations of all cases of juveniles, whether in detention, at home or elsewhere. The officers, during the course of their pre-hearing investigation, contact among other sources the police and the complainant. They read the detention record and visit the child in the detention home in order to integrate the various findings.

Because of the high type of probation officer connected with this particular department, we have had nothing but

constructive results from their contacts with the foster parents and the members of the department.

In six years we have handled 2907 admissions or, by monthly population, 4192 boys and girls. This group has revealed every delinquent act from murder down and every behavior problem possible of naming. Eight of the foster families, six now in use, have worked with the court for over five years.

The program seems a wholesome one, very flexible and simple to handle. There is no overhead, no brick and mortar to stifle experiment. We believe the program as outlined can readily be recommended for a county the size of Erie or a city about as large as Buffalo.



## The Child in Detention as Seen by the Psychiatrist

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WE study the child in the detention home referred to us by Judge Gustav Schramm, the case worker or the supervisor in the usual manner established by modern child psychiatric clinics. Our intense studies are similar in extent to those done in child guidance centers where the material is organized under headings which include data from the hereditary factors through the nature of the cultural milieu in which the child is living. Briefly, these headings cover the child in the family setting, the problem, the background, his developmental and social history, the present physical, neurological, psychological and psychiatric findings, interpretation, diagnostic synthesis, prognosis, and final recommendations.

Simply planned to provide for the maximum in functional efficiency, the detention home of the Allegheny county juvenile court contains dormitories, dining rooms; a medical division, isolation wings where incoming children are quarantined for twenty-four hours to prevent the incursion of infectious diseases; two schoolrooms; playrooms equipped with books and games, a gymnasium; a clothing dispensary for the foster home children; a record room; a cafeteria, a laundry; rooms and laboratories for the medical and dental staff; rooms for probation officers, nurses, and the administration staff, as well as the courtroom and the judge's chambers,—all under the same roof. There are accommodations for twenty-eight delinquent boys, sixteen delinquent girls, and for sixteen boys

and sixteen girls who are classified as neglected. The isolation ward accommodates twenty-two.

In the eyes of the psychiatrist the detention home is more than a "house of refuge" where children can be kept until further disposition. Used properly, it can be a veritable laboratory of study, providing limitless opportunities for observation and experimentation within a controlled environment. The use of the detention home offers much aid to the psychiatrist. Even with the help of a good social case history it is occasionally difficult to obtain reliable knowledge of personality traits through interviews alone. The chance for observing the child in the detention home is in many instances of great value in contributing to our knowledge of his personality. The child lives and plays with a group under supervision. His ability to adjust to other children and to adjust in the classroom, to participate in group play, to give and take in activities, his ability to work, his sociability or lack of sociability, his dependability when on a trusted errand, all can be observed in the detention home, and all give an unusual opportunity for increasing our knowledge of a child's personality.

The supervisors in the Pittsburgh home are trained to observe a child carefully and to record that observation in language that will describe him in detail. A written report on each child being studied by the psychiatric clinic is sent to us daily. This report gives us an objective account of the child and also gives the supervisors an opportunity to express their opinions concerning his behavior. Each supervisor of each eight-hour shift prepares such a report; we therefore have a daily twenty-four hour record of the child's behavior within the detention home. It is important to realize that the supervisor is not informed except in special cases as to our developing opinion of the child. This we feel makes the reports more

valid; there is no preconception to color her observations, no need for underlining another person's viewpoint. For example, in one instance we were of the opinion that the child presented an epileptic-equivalent type of behavior. Without any basis for bias the supervisor reported that rather regularly every three or four days there was an attack of violent destructive behavior with marked motor restlessness. These attacks were not provoked and seemed to be associated with some disturbance of consciousness. After he had been placed, the boy developed true grand mal attacks without a preceding history of convulsions. Such observations by a supervisor in the detention home can be of great aid to the psychiatrist in establishing a diagnosis.

Many fine observations are made by the supervisors as to the child's personality and character traits. They are especially of value as confirmatory evidence in the study of the so-called psychopathic states or psychopathic personalities. The supervisor's reports quickly reveal the presence of abnormally fixated ego-centricity. Such reports usually read, "He likes the center of the stage," "not happy unless the boss," etc. Emotional instability such as temper tantrums and attacks of impulsive, destructive, aggressive behavior; the child's ability to establish normal emotional relationships with children as well as rapport with the supervisors; sexual behavior, enuresis, and finally the nature of the sleeping and eating habits are readily observed under such circumstances.

### *Value of Authority*

We have found occasionally that the authority of the court is of great value in bringing the child into the detention home when he has resisted study on a voluntary cooperative basis and when his behavior disorder is so serious that the parents are anxious to cooperate in forc-

ing such a study. We recently had a good example of the value of such authority. A boy, age fifteen, had repeatedly run away from home. His mood usually was one of marked anger and irritability. His parents considered him incorrigible. He rebelled against all authority, and was retarded and failing in school despite superior intelligence. He had refused to cooperate in a study by another child psychiatrist. He was failing to cooperate with us by breaking his appointments. During those times when he did appear at the clinic voluntarily, he exhibited an extremely antagonistic attitude with a peculiarly intense angry and irritable mood. With the approval of the parents he was brought into the detention home for observation and interviews. Within a few days he wrote an amazing own story of extreme sex activity of all types, beginning at the age of six when neighboring boys forced him into homosexual activity and continuing through his experiences as a runaway. He definitely had become a homosexual prostitute while away from home and also had had incestuous relations with his sister. To the examiner he expressed insight into what he termed his "angry disposition," interestingly explaining it as being effective in inhibiting his sex drive. This boy otherwise did not present any abnormal features and responded dramatically to the writing of his own story, obtaining further insight and reassurance. He is now very grateful that we forced the issue by bringing him into the detention home. Such a case illustrates the great value of a judicious use of the court's authority in utilizing the detention home as part of the armamentarium not only of the probation officer, but also of the court psychiatrist. The use of the "own story" device is also more practical and successful within the detention setting than it can be in strictly clinic contacts.

The detention home is of value in still another way.

The child's problem over guilt reactions following his writing of an own story that reveals abnormal home relationships and destructive parental behavior is much more easily handled and not nearly so severe if the child is in the detention home. Many times, after a child reveals unhappy situations within the home and then returns to it, he comes to the clinic unwilling to cooperate further and greatly disturbed over what he has already disclosed. In the detention home the guilt reaction is not aggravated by the child's returning to his own family immediately after revealing the traumatic experiences of his life.

In the study of personality and behavior disorders a principle always at work which makes such studies exceedingly difficult is the ceaseless phenomenon termed "circular response." William Healy lucidly defines this principle of the circular response in his book, *Personality in Formation and Action*.<sup>1</sup> No individual is an isolated personality, unaffected by what happens to him and to those about him in their reaction to his behavior and his reaction in turn to their reactions. If he feels that his behavior is impulsive and involuntary, as is so frequent in the more serious delinquent behavior disorders, and if he is punished and considered to be "bad," his own behavior may be aggravated by the development of a revengeful attitude. This is especially apt to occur if he is dynamic and extroverted. If he is hypodynamic and predominately introverted he may present one of the many symptoms of dissociation. The final picture of his behavior due to the circular response may be so extreme as to make it impossible to differentiate those elements in the personality and character which are fundamental and those which are due to the action of this principle. In the detention home this circular response is broken through the removal of the child from his customary en-

1. William Healy *Personality in Formation and Action* W. W. Norton and Company, New York, 1938

vironment. The child's reaction to these new stimuli within a controlled environment in the detention home, and the change observed in his behavior and attitudes aid the psychiatrist in differentiating his more fundamental personality traits from the character and attitudes resulting from the action of the circular response.



## IV THE JUVENILE COURT IN TRANSITION



### The Future of the Juvenile Court as a Case Work Agency

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**B**EFORE the subject of the future of the juvenile court as a case work agency is taken up, two points should be made clear.

First, there is no single mold or pattern in which all juvenile courts are cast. In the United States there are almost 3000 juvenile courts—insofar as legislation creates a court—no two of which are exactly alike. In fact, juvenile courts of this country represent all stages of development. Nor is any one court representative of a single stage; instead, many a court is the embodiment of several stages of development.

Second, an agency may use case work skills without doing case work. Therefore it is not questioned whether the juvenile court shall use a socialized or case work approach; that is granted. Rather, it is questioned whether the court shall undertake more or less prolonged treatment by means of case work techniques.

It is unnecessary to discuss in detail the steps by which the juvenile court arrived at its present status. You are all familiar with its history. When the newly established juvenile court sought to carry out its objective of saving rather than punishing the child it found that merely a separate court for children was not sufficient. Court pro-

cedures had to be revamped and modified and treatment services developed within the court administration or in close relation to it.

As Frederick A. Moran pointed out when he talked before a joint meeting of the National Conference of Social Work and the National Probation Association in 1930,<sup>1</sup> before the juvenile court had proceeded very far in orienting itself in the task of dealing constructively with problems of delinquency, dependency, and neglect, it was given additional responsibilities. The early part of this century saw the enactment of protective measures for children, including the care of dependent children in their own homes at public expense. Because the juvenile court had developed certain social services as part of its organization, it rather naturally fell heir not only to these administrative functions but also to others.

Thus the court became, in the thought of many, the agency to which all unadjusted children or children needing care should be taken and the agency which should be directly responsible for the care and treatment of these children. In general, the court has certainly not resisted the tendency toward overloading it with these duties. In some instances the court itself actually sought additional duties. Frequently it has taken the point of view that as a public agency it could not refuse to accept any case which, by any stretch of the imagination, might be considered within its jurisdiction. We find it accepting the conduct problems of very young children. We find it making adjustments in many cases in which no official action is required, and in some instances dealing with unofficial cases which are only indirectly related to child welfare. We find the court performing police functions such as dealing with neighborhood quarrels, keeping or-

1. Frederick A. Moran, "New Light on the Juvenile Court and Probation" 1930 *Yearbook National Probation Association*, New York, p. 66

der, and enforcing ordinances when children are involved. We find the court developing its own instruments for treatment, including the placing of children in foster homes. And, as if all this were not enough, we find the court, because the community expects it, attempting to assume the task of leadership for the prevention and treatment of juvenile delinquency and for even broader aspects of child welfare.

It is scarcely necessary to analyze for this group what has been the result of this Topsy-like growth. As Judge Eastman pointed out to a regional conference of the Child Welfare League of America in 1935,<sup>1</sup> once certain services were begun as part of the court work they were continued as a matter of course and gathered strength through precedent, although the original reason for their initiation, namely, the absence in the community of other agencies performing these services, often no longer existed. The court frequently came to consider itself and to be considered a social agency rather than a socialized court, although strangely enough it often held itself apart from the social agencies of the community, and its probation officers spoke of themselves as a group separate and distinct from other social workers.

Although the juvenile court now suffers from lack of adequately trained personnel, from heavy case loads, and from the too highly pitched hopes of its friends, certain movements may be observed which promise partial solution of some of these problems.

### *Changes Pending*

In a number of states a state agency has a supervisory or advisory relationship to juvenile courts and probation officers. The efforts of these agencies are directed toward

1. Harry L. Eastman *The Juvenile Court: Its Purpose and Function* Child Welfare League of America, New York, 1935, 14 p.

securing the appointment of personnel on a merit basis and toward raising standards of practice in social investigations and probation supervision.

Some courts are trying to limit their intake by discouraging the filing of complaints for trivial incidents; by recognizing that cases of dependency and neglect need not be brought into court unless problems of custody or wilful neglect are involved; and by referring, at the point of application, cases in which the need is for the service of an agency other than the court.

The growth of juvenile aid or crime prevention bureaus within police departments is evidence of recognition by the police of their responsibility in the field of delinquency — responsibility for using a socialized approach to individuals in the performance of police duties and for being constantly alert to and enforcing laws and regulations relating to community conditions likely to be productive of delinquency.

Growing public interest in problems of delinquency and increased understanding of the relation of environmental factors to delinquency have stimulated efforts to throw an increasing amount of responsibility for the prevention of delinquency away from the court and back upon the community. Responsibility for leadership in this respect has been assumed in a number of communities by organizations combining lay and professional representation, such as councils of social agencies and coordinating councils.

Although these trends promise relief from lack of adequately equipped personnel, from overloading, and from the false expectancy of what the court should be able to accomplish, there yet remain definite limitations upon the functioning of the juvenile court as a case work agency. Unquestionably, reason exists for the point of

view which holds that although some courts have done case work, and a number have done case work with some children, the juvenile court as it exists in most communities has never been and is not now a case work agency. Fundamental is the fact that no matter how socialized may be its procedure, how socially minded its judge, or how well trained its probation staff, the juvenile court still remains a court. Because it is a court certain concepts and attitudes with regard to it are held by the community, the child, and the court staff that hamper the smooth functioning of case work processes.

The community in no small degree closely associates in its thinking the juvenile court with its concept of other courts, the criminal law, and punishment. This attitude may find expression in either of two ways. The community may look to the court to protect it from the child. It may exert pressure upon the court to act quickly and decisively to bring about compliance and conformity to what the community regards as socially acceptable behavior. It sees the delinquent child as quite different from other children and believes him likely to continue so, and thereby handicaps the court in its effort at treatment. On the other hand, the community may hold that any contact with the court stigmatizes the child. It may therefore refrain from seeking court action until the situation has become such that there is little which the court or any agency can do.

To a much greater degree than in the case of the client of an administrative agency, either private or public, the child coming to the juvenile court does not come voluntarily. This in itself makes him suspicious of and resistant to treatment. He is likely also to have a feeling of guilt and an expectation of punishment which are often reinforced by earlier contacts with the police who may have threatened to send him to court if he is caught again. Not

infrequently the court itself may threaten him with commitment to a training school. The difficulty of arriving at a therapeutic relationship under such circumstances is obvious.

The judge and his staff are not free from the handicaps of the atmosphere of authority and may fall victims to it. Few juvenile court judges give their entire time to that court. Many of them give the greater portion of their time to adult offenders. They must therefore constantly make the adjustment from the point of view of the criminal court to that of the juvenile court. The judge must guard against the effect that the possession of broad powers, such as are given the juvenile court, is likely to have on any human being, no matter how well balanced he may be. The probation officer, because he has the authority of the court behind him, must resist the temptation to take the easier road and try to achieve by compulsion what the non-authoritarian agency must achieve by case work methods. Someone has described probation as case work with the punch of the law behind it. Unfortunately, there have been times when the punch rather than the case work has predominated.

### *Structural Difficulties*

The fact that the juvenile court is a court results in certain structural and functional difficulties. The head of the juvenile court is rarely a person trained in social work. Ordinarily he has received his professional training in the field of law. If the court is primarily a judicial agency this arrangement is sound. If the court is primarily a case work agency then it is not sound. In the latter contingency the work of those presumably expert in the case work field is directed by an individual who is expert in another field. It might be argued that the head of a large agency needs to be primarily an administrator who knows

how to use the services of experts rather than to be an expert in the field of the agency. However, the position of the judge in the court and his relation to the probation staff are unique in the social work field. The judge of the juvenile court must give so much of his time to dealing directly with individual cases that often he has little time left for consideration of broad administrative policies. Furthermore, because both he and his staff deal with individual cases they may at times be in conflict as to procedure. This is in striking contrast to the situation in an administrative agency in which the head gives the major part of his time to the formulation and direction of programs and policies, leaving the handling of individual cases to his staff. This division of responsibility tends to promote harmony in procedure.

Because it is a court, the juvenile court has certain functions entirely apart from case work functions and a structure quite different from that of a nonjudicial agency. The court may use a socialized procedure, but because it is the offspring of the legal system this procedure is nevertheless a judicial one operating along legalistic lines. The handling of each official case in the juvenile court follows more or less a fixed routine—a petition is filed, an investigation made, decision reached as to the need for detention, witnesses summoned, a hearing held, and an order made. The probation or case work is done under the direction of and within the framework of the law.

Several persons well known to this group have voiced their recognition of the limitations upon the development of the juvenile court as a case work agency and also their belief that instead of continuing to broaden its function it should concentrate on a definite and fairly limited field. They have argued that the court should limit its intake to children in whose cases a real issue arises; that the judicial and case work functions of the court should be



separated; that the expansion of treatment services within the court administration should be opposed, and their development, specialization, and coordination in the educational and public welfare system should be encouraged. For example, in her recently published book, *The Child and the State*,<sup>1</sup> Grace Abbott said, "It seems a safe conclusion to make, on the basis of experience in the United States, that we should not continue to ask a judge to decide what should be done for children requiring not legal but psychiatric and social treatment. When compulsory commitment or removal from the home is necessary, under our traditions a court instead of an administrative agency must decide the question. In this connection, however, it may be noted that in the Scandinavian countries, where juvenile courts have not been created, official child welfare committees have for some years decided even such questions as removal from parental custody and commitment to institutions." Dr. Thomas D. Eliot, in his address before the National Probation Association in 1937, said, "I do believe that the mixture of true judicial functions with case work functions in the same agency is one source of confusion and lack of coordination, and that it is in danger of being perpetuated when it might be reduced."<sup>2</sup> He distinguished sharply between judicial functions and case work functions of the juvenile court, taking the point of view: (1) that functionally case work services and treatment processes inside and outside the court administration have more in common than have the judicial services of the court and its case work offices; (2) that social efficiency is promoted and motivation and attitudes are clarified when incongruous functions are not performed by a single agency; and (3) that essentially judi-

1. Grace Abbott *The Child and the State* Vol II, University of Chicago Press, 1938, p. 338

2. *Coping with Crime*, 1937 Yearbook National Probation Association, New York, p. 252



cial functions are incongruous with functions of child care and treatment.

I find myself in complete agreement with the philosophy that the ultimate objective should be the separation of the judicial and case work functions of the juvenile court, with the court retaining responsibility for the former and an administrative social agency assuming responsibility for the latter. Under such a division of functions the cases of some children would be routed directly to social agencies, there being no need for judicial decision; the cases of others would be taken to court for judicial action and then transferred to social agencies for treatment. What then is the nature of the job to be assumed by the case work agencies, and what are the practical possibilities of their assuming it at present or in the near future?

### *The Case Work Job*

In the years that have passed since the first juvenile court was established, the concept of what constitutes case work for delinquent, dependent, and neglected children has undergone much change. Study of the problems presented by these children and their families has shown the interrelationships of delinquency, dependency, and neglect, not only with one another, but with the still larger problems of unadjusted family life, broken homes, and economic and political conditions. The delinquent, dependent, or neglected child cannot be dealt with as an independent, isolated bit of humanity. The seeds of his misconduct, social maladjustment, or neglect were sown in the inadequacies and insecurities of his family life and nurtured by the deficiencies of the community's provision for health, educational, recreational, and social services.

The needs of this child can be met only as comprehensive programs are developed which take into account the

needs of all children; only as services are organized for family and child welfare which include material assistance to families, health services, social services, and provision for the child handicapped mentally or physically; and only as these services are brought into closer relationship with one another and with the other agencies in the community for the education, recreation, guidance, and general welfare of children. It is not enough that these services be available to the child who has already become delinquent, dependent, or neglected; they must be available and utilized for the child who is in danger of becoming so, long before the stage is reached at which court action is needed.

Since the establishment of the juvenile court there have come into existence many treatment services, both public and private. Among these are medical, psychological, and psychiatric care, attendance and visiting-teacher service, group work, special classes and schools, foster home placement, special institutions for children presenting conduct problems. These services can be utilized for many cases of pre-delinquency, for cases now being handled by the juvenile court without the exercise of its judicial functions, and for the treatment aspects of many of the cases that come to the court for judicial decision.

The most significant development, however, which indicates the possibility and probability of relieving the juvenile court of its case work functions is the organization of local public administrative units for child care in which are being coordinated various social services for children. For a number of years, several states have had provision for such units which are generally called public welfare or child welfare departments. Through the provisions of the Social Security Act for child welfare services in rural areas, existing units have been strengthened or new ones established in these and additional states. By means

of this type of organization it has been possible to bring together various kinds of specialized services and to employ well qualified personnel to administer them.

In rural areas the activities of these departments have generally included case work for children in danger of becoming delinquent and children coming to the attention of the court, as part of an organized child welfare program and the performance of administrative functions relating to the care and support of delinquent, dependent, and neglected children by local officials.

Recently I visited rural counties in several western states where I had an opportunity to observe some fine working relationships between juvenile courts and county departments of child welfare. These juvenile courts, many of which are entirely without social work staff, are welcoming the services of children's workers. They ask for assistance in making adequate investigations, in planning constructive work with families before they are broken, and in caring for children in their own communities without commitment to correctional schools. In some counties all case work services for the court are performed by the children's worker from the county department.

In urban areas the organization of public child caring departments with broad and integrated services has proceeded more slowly than in rural areas. The desirability of setting up such departments, however, is being increasingly recognized, and several large urban centers have established them or are taking steps toward that end. Such departments will make available to the court facilities for the exercise of administrative social work functions preceding or attendant upon the exercise of legal functions.

The tendency apparent in the legislation of the past few years is to empower these departments to accept for

care, without court action, children whose primary need is for case work services and support from public funds and about whose custody there is no controversy. In addition, the language of the acts creating those departments with respect to their responsibilities toward neglected children is usually so general that socially minded interpretation will make it possible for the department to perform protective services: services which—in the absence of other public agencies to investigate the complaints, do the necessary family rehabilitation, or plan for the care of the child—the court has had to assume. Increasingly, as children need no longer be brought to court in order to get specialized service, one finds parents, other individuals, schools, and even police officers referring the problems of children to these departments. Most encouraging is the fact that they are tending to refer them at an earlier stage than would be likely if they had to take them to court for official action.

#### *Evolutionary Change*

✓ All this indicates that it is quite possible to look forward to transferring the treatment or case work functions now handled by the juvenile court to administrative agencies. The change will probably come slowly in some areas, very rapidly in others. In large cities the juvenile courts will probably continue to function for some time to come as they have in the past. The very complexity and multiplicity of the social work organization in these cities will compel change to be slow moving. In some cities the administrative agencies may be reluctant to accept this new responsibility and to develop their programs accordingly. In areas in which public and child welfare services have hitherto been almost entirely lacking, their development will inevitably mold and modify the juvenile court

structure. It is well enough that the change should be of an evolutionary rather than a revolutionary nature. It is important, however, that we keep in mind the ultimate goal so that as we strengthen existing services and develop new ones we assist rather than oppose the evolutionary process.

Finally, the juvenile court will take its rightful place in the community, not as the central agency around which is built the whole child welfare program but as only one agency in the whole field of social organization. The court will nevertheless be an important agency with a place that only it can occupy and a function that only it can perform.

Even though the availability of treatment services in administrative agencies will make it possible for the juvenile court of the future to divest itself of case work functions and to specialize in the judicial field, it will continue to have a close relation to the case work field. Although not undertaking case work treatment, it will need to proceed on case work principles and to use case work skills. It will need social workers on its staff to make investigations of the type that are truly diagnostic. It will need to be familiar with the resources of the community, for while it will not administer services it will have the responsibility for selecting and utilizing services. It will on occasion be used as a tool in treatment since, as Judge George W. Smyth of Westchester County, New York, so well illustrated in his discussion of *The Family in Court* before the National Probation Conference last year,<sup>1</sup> exercise of the control and authority of the court may be a step in the case work process. But primarily the court will be an agency for determining issues, for settling controversies, for deciding need for treatment and the

1. *The Offender in the Community*, 1938 Yearbook National Probation Association, New York, p. 53

agencies best able to meet that need. Judicial functions will be clarified, strengthened, and rendered more effective. Relieved of extraneous duties, the juvenile court will have a field in which it can and should be expert—and this is no mean task.



## Discussion

BERNICE E. SCROGGIE

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MISS NUTT has reviewed for us the development of the juvenile court, bringing to our attention that this agency which was begun about forty years ago for the protection of children has taken many duties unto itself because there were so few resources available for the care and treatment of children. She has emphasized the importance of having socialized juvenile courts but has shown us some of the weaknesses of the court as an effective treatment agency. In discussing the undesirability of mixing case work and judicial functions in a single agency, she has directed our attention toward the advisability of having the case work function assumed by the public and private child caring agencies.

I have been asked to discuss the last point showing the developing relationship between the juvenile court and the public children's program as I have known it in Washington. In this state, as in others, there has been a wide variation in the services given children by the courts in urban and rural areas, and nowhere have they been given all of the advantages of skilled diagnosis and treatment

which they need. A few people had recognized for a long time the importance of improved facilities for the care and treatment of dependent, neglected and delinquent children, but it was not until about three years ago that their visions and plans began to materialize when, stimulated by the assistance of federal funds, a statewide public children's agency was begun.

The Division for Children of the State Department of Social Security is responsible for the care of dependent children in their own homes and under foster care, services for crippled children, and certification of private child caring agencies and foster homes. Through this division services for the protection of children are now being extended into the remote rural areas. Children's workers, selected through a merit system, are a part of the county welfare departments in about 80 per cent of the counties, and consultants from the Children's Division, assigned on an area basis, go into the counties to give supervision and guidance to the local workers in carrying out each of these functions. This type of organization is in line with the thinking of the White House Conference of 1930, where it was pointed out that in rural areas it is economical and effective to have all of the services for families and children given by a single agency and that usually a public one.

It has been our aim in Washington to have the public children's program thoroughly integrated with other services available for children. In Washington, as in some of the other states to which Miss Nutt referred, the children coming to the attention of the court were not having the benefit of consistent individual treatment, so it seemed logical that the services provided through the children's units of the county welfare departments should also be utilized by the courts. Children are also referred to the county welfare department directly from the



schools and from other sources in the community, thereby avoiding the necessity of court action unless it is needed for the child's protection.

There are paid probation officers in less than one-third of the counties of Washington, and as in other states, with a few exceptions they have not had specific training in social work. The judges, many of whom have shown a genuine interest in children, of course have not had any specific training other than their legal preparation for their work. With the exception of three urban centers they are not able to give their full attention to juvenile problems as they handle criminal and civil cases as well, and in several instances cover more than one county.

Since the beginning there has been a close working relationship between the courts and the Children's Division. Regular meetings have been held with the executive committee of the Superior Court Judges' Association, and through frequent individual and group conferences the functions of the court in relation to dependent and delinquent children have been discussed. At a meeting with the Superior Court judges in 1935, it was agreed that the assisting and planning for dependent children was an administrative rather than a judicial function, and the mothers' pension program, formerly administered by the Superior Courts, was turned over to the state and county welfare departments. At a meeting with the judges in July 1937, the planning and care of dependent children outside of their own homes was likewise transferred by agreement to the county welfare departments.

As the services for dependent children provided through the children's units of the county welfare department become more adequate, fewer children should need the help of the juvenile court, and certainly fewer children should need to be removed from their own homes either with or without court action. On the other hand,



we should be sufficiently realistic to recognize that there will doubtless always be problems of behavior resulting from inner and outer pressures which will bring individuals in conflict with the law, and because of which they will need the protection of the court.

Since the establishment of the Division for Children with responsibility for the standards of care in private child caring agencies, these agencies are also increasingly offering case work service. The assumption of responsibility for payments for foster care by the state made possible the discontinuance of subsidy grants by the courts to private agencies, replacing them with per capita payments for care and consequently more careful planning for individual children. The care and protection for children now possible in most counties undoubtedly prevents many cases from coming to the attention of the court.

In the rural counties having no probation officers, it has been the practice for the children's workers to give services at the request of the judges for any child referred to the court. The services of a psychologist have also been made available as an aid in diagnosis and treatment through the Children's Division. In the larger communities having probation officers, dependent children are referred to the children's workers but the delinquent children continue to be served by the court.

We are beginning to be more conscious of the need for community social planning for both delinquent and dependent children. Recently in our largest county with a population of 507,000, King county in which Seattle is located, where a study of the juvenile court by the National Probation Association had just been completed, the public and private children's agencies were called together by the judge to discuss who would be responsible for case work planning and payment for dependent children. All have agreed that dependent children are

the responsibility of a case work agency and not of the juvenile court, but the types of cases which each agency will accept has not yet been clearly defined. Each has agreed to review its work for the past year, and out of this it is hoped will come definite agency policies as to the types of cases to be accepted by each. It is hoped also that as a result of this review dependent children will no longer be temporarily detained in the detention home with delinquent children, but will be cared for in foster homes under the public and private child caring agencies. I believe it is through such cooperative social planning that we shall make certain that the needs of children are being met.

As the State Department of Social Security enters its second biennium one can observe many evidences of the gradual change in the attitude of the courts toward the use of case work services. As the judges have come to accept the fact that the county welfare department is not an emergency agency for the relief of economic problems only, but a permanent community organization interested in the welfare of children, the workers are receiving many requests for services, not only in cases of dependency, neglect or delinquency but also requests for investigations of adoptions and for assistance in planning for children in domestic relations cases.

We have been interested in the growing consciousness of child welfare problems by community leaders. Some of the lay advisory committees to the county welfare departments, provided by law, have been giving thought to the problems of underprivileged children. As a result of a recent study of juvenile delinquency made by one of these committees, a request was made to the Division for Children for an additional children's worker in that county welfare department who would work with individual children in an area having a high rate of delin-

quency and help to seek out the sources of some of the local problems.

Mention should also be made of the values in the relationship between the juvenile court and the state children's agency gained through the aid of the State Advisory Committee to the Division for Children. This committee, consisting of representatives of lay and professional groups, includes a Superior Court judge and a probation officer. They have contributed generously from their experience and through them it is hoped to keep the courts informed of the broader statewide nature of the work of the Division for Children.

Although a beginning has been made in providing case work services for children through a public children's agency, a close working relationship must continue between the courts and the children's agency and an awareness of what this service is meaning in the lives of the children whom we are attempting to help.



GEORGE W. SMYTH

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SINCE arriving at this conference I have again enjoyed the privilege which has been mine annually for the past ten years, of meeting and conferring with my brethren of the juvenile court bench, this time in greater numbers than ever before. I have gained a renewed appreciation of the intelligent contributions they have made and are constantly making in the field of child and family welfare. It is not necessary for me to rely upon my own impressions, however. I am fortunate in being able to

call upon no less an authority than Miss Grace Abbott, who wrote concerning juvenile courts:

The courts have unquestionably helped many individual children. Even more important, they have solved the legal problems involved in what was a revolutionary change in viewpoint about crime and delinquency, and have brought the public to accept the ideal of prevention and cure as the one toward which our efforts must be directed.<sup>1</sup>

The courts have accomplished these inestimably valuable results in the face of the greatest obstacles. They were launched into a sadly disorganized field of social work. One need not look back forty years to the date when the first juvenile court was established, nor even twenty years, representing perhaps the average period such courts have existed in America, to gain an appreciation of this fact. One need look only to the disordered scene about us today to realize the difficulties under which the courts labor.

I have met at this convention a judge who is the administrative head of the entire child welfare program of a county embracing one of the largest cities of the country. As Miss Nutt points out, to require a man to perform the judicial duties of his office and in addition to head a tremendous general program of child care and protection places a very heavy burden on him. As one of our judges remarked: "First thing you know you are going to roll him out so thin that he isn't even a good piece of veneer." The particular judge I have in mind seems to be able to stand up under his multifarious duties and to discharge them in a very able manner, and to my mind he is a living refutation of the it-can't-be-done argument. The important fact to bear in mind, however, is that the judge did not will it that way. It was the particular type of community organization there developed, presumably

1. Grace Abbott, "The Juvenile Court" *The Survey* (Midmonthly) May 1936

under the leadership of experts in social work, which placed upon him a job no judge should be required to assume.

Another judge from a city of over 500,000 souls is called upon by law to discharge the duties of county judge, juvenile court judge, probate judge, lunacy court, chairman of the Board of Tax Equalization, chairman of the County Juvenile Bureau, chairman of the Flood Control Authority, and has charge of all applications for beer licenses and of applications for admissions to all public institutions. I may have overlooked a few functions but I should think the total might drive him to become a subject for his own lunacy court.

Another judge of an outstanding court told me that his probation department took on the work of child placement because there was no other agency in the community performing that work. Moreover they were successful in their methods as is proven by the fact that they have been admitted to the Child Welfare League of America.

I have also met judges from rural areas in which child welfare work is not well organized. In fact some of them do not even have probation officers. I have met judges from other large centers in which the work is organized along very different lines. In such centers we find county departments of child welfare, concerned primarily with relief, general welfare, guidance and health problems, in which wilful antisocial conduct is not usually an element, and the courts are equipped with large probation staffs, composed of well qualified persons comparable in their particular field to the best social workers. The day is long past since the probation officers spoke of themselves as a group separate and distinct from other social workers. It is time social workers accorded to them the recognition which they merit. Speaking to you as vice president of the National Probation Association, I wish to point

out that this advance in probation methods has come about as the result of intensive efforts on the part of this Association, and of the directors and leaders of probation in the various states to secure recognition of probation as legitimate case work requiring the very highest type of training. Great variations in organization and responsibilities are found between the courts even in better organized centers. Some maintain detention homes, for instance, as part and parcel of the court premises, while others resort to boarding home care under the supervision of a child welfare department.

The point I am endeavoring to make is that we should not be too dogmatic concerning the manner in which our case work should be organized and carried on in the present state of development of our social work. We should undoubtedly set up goals pursuant to a long range program, peering far into the future as Miss Nutt does in her paper. In the meantime we have to deal with situations as they exist and not until social workers, educators and scientists help us to perfect the working tools of social service can we achieve the best results.

The courts should be given great credit for carrying on so bravely and so well under adverse conditions, and we should strive to work out our common problems together. If I may be permitted to be as frank as Miss Nutt has been, I should say to you in all friendliness that I believe other social workers are too prone to stand off and criticize, whereas better progress could be made if they would become better acquainted with us and our ways.

To further demonstrate the difficulties we are working under, I again refer to Miss Abbott's article. She said: "The dynamic idea of the courts was that they would cure rather than punish,—a task regarded as not difficult twenty-five years ago, but one for which, as experience

showed, our knowledge of human conduct and our traditional methods of treatment were quite inadequate."

In other words, the juvenile courts were expected to assume with inadequate tools a task far beyond accomplishment. We have made tremendous strides however. The percentage of success in the courts which are able to make the best use of our improved knowledge and methods is relatively high. It remains to place this knowledge and these methods, as they continue to unfold and improve, at the disposal not only of all courts but of the schools and social agencies, in order that the problems may be appreciated and treated much earlier than they are at present.

I am sure that the presiding judges of the leading juvenile courts recognize clearly that cure must begin long before the stage at which a so-called delinquent child is brought into court. They also accept and have preached in and out of season the principle for which Miss Nutt so ably contends, that the needs of children can be met only through the development of comprehensive programs of child care and protection in every nook and corner of the country. Let communities or organized society, through joint leadership of the churches, the schools, the social agencies and the courts, provide such services by the proper agencies, and the courts will cheerfully step out of fields in which they do not belong, unless indeed they are compelled by statute to take on undesired burdens. Until society does that the courts will continue to step into the breach as they have in the past. The reason the courts have attempted to take on duties for which they are now criticized by their friends has been the neglect of society to do the work otherwise. I am glad Miss Nutt concedes this. No judge can sit complacently on the bench and witness some of the results arising from this social neglect, without doing his level



best to remedy the omission. The creed of the courts through the years was correctly expressed by me in Seattle last year, when I said: "The work must not be left undone." The better organized courts are fully aware of the desirability of being selective in their intake work, and of referring families to other agencies equipped to deal with the presented problem, provided there are competent agencies in the community.

One of the factors which have retarded the development of juvenile courts and have prevented them from becoming more completely socialized in their methods may be found in the statutes which our predecessors devised to govern us. The enlightening experiences of the past twenty-five years have served to convince progressive judges and social workers of the faults of these statutes. It will be difficult to induce legislatures to liberalize these laws, and here again we need your help. It has been very hard to convince the public that a boy is not being treated as a criminal, despite the honeyed phrases of the statutes declaring that he is not to be thus considered, but rather as a child in need of aid, encouragement and guidance, as long as the statute requires that sworn petitions be filed, charging him with specific acts of delinquency, defining delinquency as any act which if committed by an adult would be a crime, and as long as the law requires adjudications of delinquency to be made as a condition precedent to helping the child. While the law requires the classification of children as delinquent and neglected, we judges should like very much to get away from that, and are begging you to provide social agencies which can work in conjunction with the selective intake service of the court to prevent the practice, which should be unnecessary, of dumping so many problems on the children's courts.

I am not enough of a prophet to predict what the wis-



dom of future generations may bring to light affecting evolution in the baffling field in which you and I are engaged. I do believe, however, that a full appreciation of each other's contributions is essential to sound progress. I recognize the embarrassment under which the courts labor from the difficulties inherent in court procedure in the treatment of social problems, and particularly conduct problems, and I have observed in some instances a tendency on the part of some parents and even at times of police officers to refrain from seeking court action. This is based largely upon a misconception of the beneficent purposes of the court. I have been more aware of the increasing appreciation of the court by the community, and it is my experience that people turn to it with trust and confidence.

Whatever may be said about the desirability of turning back cases to other agencies, bear in mind that a large percentage of our cases are brought to us by the social agencies, and that in addition many which the social agencies are unwilling to accept are referred to us by the police and the parents. Time and again I have turned to the social agencies for help and received it, but in a great many cases I have searched in vain for the agency capable of taking over particular problems even in so progressive a county as the one in which I happen to preside.

We are dealing with the most difficult and refractory cases after all other agencies have failed, and no matter how difficult or discouraging a case may be we cannot close our files. We must find a solution satisfactory to society, not only for its protection but for the sake of the child and his family.

The average children's court judge, being a lawyer, possesses more than the average layman's knowledge of how society is or is not organized to treat social problems. He brings to his work or soon acquires knowledge

of the broad, basic principles of social work. The chief danger lies in the insecure tenure of office and the large turnover in the personnel occupying these judicial positions. The experienced juvenile court judge is the chosen representative of the people and they look to him for impartial determination of the issues affecting the lives and welfare of themselves and their children, including issues which frequently arise between them and the social agencies. The legal training of the judge is a help rather than a hindrance and it should be an asset to the social worker in interpreting her work to the public. On the other hand, the judge is glad to accept the advice of those more versed in the technical phases of social case work. Case work conferences in which the judge participates either personally or through the probation department frequently precede a decision. In well organized courts the judge has the advice of the clinic and of other agencies regarding the child and his family. Frequently when placing a boy on probation the judge indicates certain treatment. During the probationary period the judge does not undertake to supervise each case, but he does and should follow through personally on special problems, and hold himself in readiness to confer with the probation officers and others from time to time. This function the judge performs also in cases of children who may have been placed with the local department of child welfare for boarding home care, and whose general supervision he is content to leave to the well qualified heads of that department. The supervision of those on probation could not be performed as successfully by any other agency as it is performed today by the skilled probation officers we are developing in the children's courts, and the judges have a well justified feeling of confidence in the probation officers whom they hold directly responsible for the close contact which is essential to constructive probation work.

Progressive courts recognize and have adopted most of the practices which Miss Nutt advocates. It is regrettable that because their work is done so quietly their achievements are not more widely understood. When all is said and done, the cases involving antisocial conduct on the part of children and parents remain, and the juvenile courts are doing a far better job than any other agency that I know could do in the treatment of these cases. It seems unwise to experiment with untried administrative boards. Let us take these fundamentally fine institutions we possess and endeavor to perfect them. I feel enough of the prophetic urge within me to predict that the next twenty-five years will witness even greater progress than has taken place during the past twenty-five years.

Working successfully with human beings requires a combination of technical knowledge and broad human understanding which can best be achieved when judges, probation officers and other social workers strive together harmoniously and with mutual respect and appreciation of the contribution which each is able to make to their common problems. Let us press forward together in this spirit towards the attainment of our mutual goals.



## Wider Jurisdiction for the Juvenile Court

ATWELL WESTWICK

*Judge, Juvenile Court, Santa Barbara, California*

TRADITIONAL administration of criminal justice holds that the law is an inflexible body of rules and that by punishing offenses against it unlimited scope is given to the saving grace involved in the principles of retribution, expiation and determent.

In sentencing Loeb and Leopold, Judge Caverly said in his famous apology:

"In choosing imprisonment instead of death, the court is moved chiefly by the consideration of the age of the defendants, boys of eighteen and seventeen years. . . .

"Life imprisonment may not at the moment strike the public imagination as forcibly as would death by hanging; but to the offenders the *prolonged suffering* of years of confinement may well be the *severer form of retribution and expiation.*"

Consideration of the age of these offenders apparently led the judge to think that their period of suffering and expiation should be extended to the maximum limit.

No doubt it was a quirk in judicial cerebration in Chicago that led Judge Black of New York to say:

"If the decision of the Chicago judge who gave *only* life imprisonment to the two Chicago boy murderers was followed in every state, courthouses would become obsolete."

The significant thing about the Black pearl of wisdom is the sweeping and conclusive manner in which it makes courthouses obsolete in the eight or nine American states

which have abolished the death penalty and in which statistics indicate the murder rates are lowest.

Sometimes, however, the Caverlys and the Blacks undertake no sublimation of the impulses which motivate the orthodox judicial mind and then the traditional view "comes through" in the raw.

Professor Nathaniel Cantor cites the example of a New York judge who lectured a seventeen year old boy, charged with soliciting alms for strikers, as follows:

"What you need is for me to have you in a two by four room. What I would do to you! I'd blacken your eyes and give you some real American spirit. . . . We spend billions in this country for schools and what have we educated here—a mongrel and a moron. I have six kiddies myself and my oldest girl is ten. She knows who God is and the laws of the country. Down at my house we have a cat-o'-nine-tails. I show it, and that is all . . . that is needed . . . I am not going to send you to jail . . . Get out of the courtroom. You are not fit to be here."

In 1933 a judge of the criminal court in Los Angeles sentenced a nineteen year old girl, Burmah White, to *not less than thirty years in the penitentiary*. Admittedly this girl needed restraint but the words in which the judge pronounced sentence show his zest for severe punishment:

"She deliberately chose a life of crime. A few years ago it would have seemed a terrible thing to have sent a nineteen year old girl to the penitentiary. There are yet those who feel that all young people who commit violent crimes should be pitied rather than punished. But the time for maudlin sympathy toward young criminals is past. There is no substitute for punishment. As an individual I have nothing but heartfelt sympathy and pity for this young woman, but as a judge, my duty is plain."

Thus functioning in his own words as a judge and not an individual, he says that sending a nineteen year old

girl to prison would have seemed a terrible thing *a few years ago*. Why, a few years ago it would have seemed all right to our Anglo-Saxon ancestors to amputate her hands and feet, pull out her tongue, blind her, and let her go crawling about the country as a warning to others. The judge says: "There is no substitute for punishment." So, he gives her thirty years of it! What a contrast that is to the attitude the juvenile court could have taken in her case. What a contrast it is to the attitude that was expressed about that other offender nineteen long centuries ago when Jesus said to her, "Go, and sin no more!"

The modern scribes and pharisees, the public generally, and far too many judges, legislators, teachers and even probation officers are still imbued with the old superstition that man alone of all the animals is a free, moral, responsible agent endowed with the ability to know good from evil, and the faculty at will to choose between the two. Given this premise, the conclusions are that the degree of degradation of a criminal personality can be measured by the nature of the crime committed; that there is nothing to do except punish, and that if the offense itself is punished, the prisoner gets the exact dose he logically deserves.

Since it is further assumed that all lawbreakers are alike and equally responsible, it also follows that the amount of punishment is determinable *in advance* by simple reference alone to the offense committed regardless of the individual committing it or the circumstances involved. For example, the California lawmakers know right now that the person who next month or next year steals a batch of checkers worth \$49 should get six months in the county jail. But if they are worth \$51 they know he should draw ten years in San Quentin!

They know that if a man steals a child he should go to prison for twenty years. But they also know that stealing

a valueless animal is at least half as bad as stealing a child. This truth is evident by the fact that if one steals a hog worth twenty-five cents the dose is a penitentiary term of ten years. On the other hand, the legislative *quid pro quo* is six months in the county jail if the same individual steals \$199 in cold cash.

In view of such logic as this it is hardly surprising that those who seek to extend the jurisdiction of the juvenile court and widen the use of probation are met by determined and sometimes unyielding opposition.

### *New Thinking*

However, a new kind of jurisprudence of the sociological school has been in the course of making for some time. Judges and others who belong to this school, though their voices in large measure are lost in the wilderness, have the courage to assert and the ability to demonstrate a number of more or less incontrovertible facts. They see that, had doctors and scientists been no wiser than legislators and judges, we should still be curing sick people by driving the devils out of them into swine.

The sociological school of jurisprudence insists that the law cannot longer arrogate to itself the prerogative of ruling the present and future generations with the dead hand of the past according to stupid formulas and worn-out creeds. This school sees the law as a living social institution which, in the name of intelligence and humanity, quadrates with the modern social sciences of which it is but one. This school insists that the law is a means merely toward social ends. It demands that the law concern itself with social causes and social effects in relation to social conditions and social progress—in order that *social justice* may be done.

It asserts that the means, the methods, the techniques to achieve social justice are those underlying probation,

the juvenile court, parole, and an institutional system conceived in the modern spirit.

✓ This surely presages the day (no doubt a distant one) when society will fully comprehend the significance of the idea that crime and delinquency (essentially synonymous terms) are symptoms only of personal or social maladjustment just as fever is a symptom of disease—and that man himself in the last analysis “is but a child of a larger growth.”

Justice Benjamin Nathan Cardozo, when chief justice of the New York Court of Appeals, said:

“I have faith nonetheless that a century or less from now our descendants will look back upon the penal system of today with the same surprise and horror that fill our minds when we are told that only about a century ago 160 crimes were visited under English law with the punishment of death, and that in 1801 a child of thirteen was hanged at Tyburn for the larceny of a spoon.”

In the state of New Jersey as late as 1828, a boy of thirteen was hanged for an offense he committed when twelve years of age. We no longer do that. Fifty years ago there were no children's courts anywhere. Until they came into existence, the child, both in mind and body, was supposed to be a miniature grownup and was punished as such. Within certain limits we no longer do that. At last even orthodox judges concede that very young children are not entirely responsible for their acts.

Yet thousands of adults possess neither the intelligence nor the emotional stability of the concededly irresponsible child. Feeble-mindedness under the law (except idiocy) is no excuse for crime. The irresponsible imbecile and the moron are often held to strict accountability and are sometimes executed. Out of many examples that could be cited, consider the case of *People v. Oxnam*, reported



in 170 California, where we read that the great and sovereign state of California in 1915 hanged at San Quentin a seventeen year old, low grade moron whose mental age was that of a child of eight.

### *Futility of Cruel Punishment*

A short while ago at a meeting of the California Judges' Association in San Francisco, an eminent judge of the old school made the dogmatic assertion—startlingly new, apparently, to his judicial brethren—that the lawbreaker should be publicly lashed. Nothing, he said, is quite so reformatory to the offender, deterrent to others, and uplifting to society, as beating the criminal at the public whipping post. He presented no formula, however, to determine what relation should exist between the offense committed and the severity of the flogging to be imposed. As is always the case, this grave decision was to be left to the tender discretion of a judge of the trial court just as we leave it to him to impose penitentiary or county jail sentences in many cases, to take or refuse to take jurisdiction in the juvenile court, to grant or deny probation, to fix the length of jail sentences as a condition of probation, and to decide when prison terms shall run concurrently and when consecutively.

It is a travesty on even orthodox justice to entrust powers of that magnitude to the virtually unlimited discretion of anyone committed to the ideas that the judge at San Francisco expressed. We shall ultimately come to admit, as Dr. Harry Elmer Barnes suggests, that society has been as unfortunate in handing offenders over to judges of this type as it once was in entrusting medicine to astrologers and surgery to barbers.

History establishes nothing more conclusively than the utter futility of punishment. Corporal punishment for countless generations in every terrible, conceivable form

was the usual method of punishing not only the criminal but the neurotic and the insane. It accomplished nothing, whereupon society in the nineteenth century, a comparatively recent date, began its great experiment with the modern prison as an instrument of punishment.

Few of our prisons today, however, make any really wise or broad application of the resources of social science, psychiatry or psychoanalysis to the problem of rehabilitation. The whole penal system everywhere, with few exceptions, is a farcical hodge-podge, where young and old, first offenders and chronic violators, and all kinds of human defectives are herded together in indiscriminate confusion. Someone has said: "You might as well place in a cage tigers and lambs, doves and wolves, hogs and race horses, feed them all grain and expect them to fly when released."

Punishing offenders unquestionably gratifies a craving in the crowd for atonement through vicarious suffering. For this reason primarily the human race persistently clings to the ancient belief that cruelty is a cure for something or other.

The *Chicago Tribune*, in a leading editorial of May 1939, said among other things:

"The criminal court should assert its constitutional jurisdiction over young offenders. The function of that court is to punish offenses against the law. The juvenile court does not inflict punishment. . . . The present maximum age for juvenile delinquents is too high."

This is reminiscent of an article entitled *The Juvenile Courts—Abolish Them* which was written by Jesse Olney and published in the California State Bar Journal some time before the Tribune editorial appeared. Mr. Olney bravely announced that we should send more people to jail and keep them there more securely and that the chief obstacle to that program is the juvenile court which per-

mits young criminals to escape from punishment through the use of probation.

The State Bar Journal, after the usual fashion of lawyers with judges, was unusually delicate in its introduction of Mr. Olney as an authority upon this subject. It described him as "Jesse Olney of the San Bernardino bar; superior judge of that county, 1924." It said of his article: "A former judge speaks of *his observations and experience*." It did not add, however, that Mr. Olney had no experience whatever as a juvenile court judge at San Bernardino; that he was *appointed* to the bench, served eleven brief months, at the end of which time at a general election he was entirely and permanently repudiated.

### *Deterrence*

Last month the chairman of the House Judiciary Committee, Representative Hatton Sumners of Texas, said to the National Parole Conference at Washington:

"People who believe in crime by force should get their necks broken, or we should put them on the gridiron and burn them up. You bet your life! That puts the fear of God in their hearts!"

But does it do that? Does it deter? Has it ever deterred, for instance, that group of offenders who, we are beginning to see, *seek punishment* as a response to a conscious or unconscious sense of guilt?

Our executions are all private affairs behind locked doors. Even the exhibition of pictures of executions is forbidden. Why? Because we know that cruel and unusual punishments do not prevent but suggest crime. At San Jose, California, on November 26, 1933, a mob broke into the jail and hanged two men. Every newspaper in the United States headlined this sordid event and published pictures of the nude and distorted bodies hanging in a tree.

Then the fireworks started! In Missouri on November 29 a mob of 7000 stormed a jail and hanged a nineteen year old Negro in a tree; in Maryland on November 29 a mob of 1000 was forcibly repulsed; in Colorado on December 8 a mob formed to do violence to a prisoner; the Oklahoma militia on December 11 was ordered by "Alfalfa Bill," the governor, to kill if necessary to halt a mob; and in Texas on December 8 a mob lynched a man, dragged his mutilated body through the streets and threw it into his home at the feet of his mother.

The governor of California at the time expressed sentiments that would do credit to Tiglath-pileser, brutal king of Assyria in the eighth century B.C. He said in the press:

"The San Jose lesson will long be remembered by the criminal. If anyone is arrested for the good job, I'll pardon them all. The lesson will serve in every state in the Union!"

As a matter of fact his words brought the condemnation of the entire civilized world upon him and us, and suggested mob action elsewhere on an unprecedented scale without causing the slightest reduction of crime anywhere in the United States. Intrigued by the governor's idea of deterrence, I made an investigation which disclosed that, in the thirty days immediately following the San Jose debacle, more than twenty homicides, almost one a day, to say nothing of thousands of other crimes, were committed in the state of California alone.

Theories of responsibility and punishment have always borne a close relationship to prevailing states of cultural development and to the religious and philosophical ideas of the times. There never was a time when punitive methods were not employed. The less cultured the age,

the more cruel the punishment—that seems to be the rule. But however ingenious and inhuman the penalties, the number of offenders seems never to have decreased, and centuries of punishment, except for the savage satisfaction of vindictiveness, have accomplished nothing for the human race. Social revenge is the only honest, straightforward, logical argument that can be advanced in favor of punishment.

### *Scientific Progress*

Science has moved forward in great strides since Lombroso. Many explanations of crime and delinquency are advanced but no single interpretation suffices. An approach is necessary which combines with discrimination all interpretations. A great contribution to our understanding is found in psychiatry and psychoanalysis, because this approach makes it possible to consider all of the influences operating on the offender, conscious and unconscious, environmental and personal, since they come to a focus in his mental activity.

The causes of crime are multiple. The combinations of causes are infinitely varied from case to case. The individual and his environment are so intricately inter-related and interwoven that *all* factors in the case—biological, psychological, social, pathological and unconscious—must be viewed in the *whole* situation for any sound understanding or treatment of human behavior.

Crime in any event can no longer be regarded as theological, metaphysical or juridical abstraction. It must be seen for what it is: the expression in social life of the physical and social environments playing upon a personality which is essentially abnormal or unusual by reason of heredity, disease or development. ✓

The juvenile court represents the ineluctable renuncia-

tion by the law (in that court at least) of its traditional notions of hostility and revenge toward the lawbreaker. The juvenile court is the first tribunal where law and science (medicine, biology, sociology, psychology, and psychiatry) work or *could work* side by side and hand in hand.

The juvenile court seeks or should seek objectively, dispassionately and scientifically to discover causes of misbehavior and to remove those causes. But whether causes can be discovered or removed (and we must confess we know little enough about their discovery or removal as yet), the juvenile court endeavors, without any idea of hurting anyone for cruelty's sake, to make decent, humane and sensible human adjustments.

Often the best way to meet criticism is to frankly admit it, if it be valid. The juvenile court has progressed slowly in the matter of organization, standards and personnel. The effectiveness of the methods employed is not definitely known. The studies made by Healy and Bronner and the Gluecks show "a most disconcerting measure of failure." The Gluecks report in their Boston survey that "the major conclusion is inescapable, that the treatment carried out by clinic, court and associated community facilities has very little effect in preventing recidivism."

This does not mean that there are not other deeply significant values involved. Those values in themselves are sufficient justification for the court. They signify that we are definitely headed in the right direction but that new techniques must be found and a vast amount of future research done.

#### (11) *Family Jurisdiction*

The jurisdiction of the juvenile court extends to dependent and neglected children. Children, whether de-

pendent, neglected, or delinquent, are always involved in and affected by all the difficulties that beset the family as a group. Efficiency and effectiveness are lost in the present method, found in many communities, of a divided jurisdiction in problems involving the family as a unit.

In family matters there exists little specialization and even less uniformity in court procedure. If the family is to be dealt with as a whole (as indeed it must be), integration of jurisdiction in domestic relations and juvenile cases is imperative.

The need for such unification is another manifestation of the socializing tendency which resulted in the juvenile court. The need for socialized procedure, such as investigation, diagnosis, clinical study, cooperation between existing community agencies, informal hearings, probation and so on, is no more urgent in the cases of delinquency than in cases involving divorce, separation, non-support, alimony, adoption, paternity, legitimacy, custody, guardianship, feeble-mindedness, and insanity. The simplest method of securing this unification is to widen the jurisdiction of the juvenile court by vesting it with broad domestic relations powers. (17)

The juvenile court, when it takes jurisdiction, has the right to the whole truth because it has the power to protect, to remedy and to save. Witnesses there are not sworn in to tell the truth, the whole truth, and nothing but the truth, and then, by reason of technical rules and antiquated ideas, prevented from telling nine-tenths of it. The juvenile court is parental. It is a court of guardianship where the paramount issue is the welfare of the ward. The fundamental idea is that the child before the court is an asset to the state greater than all his faults, and so the state protects, saves and corrects, and where that is impossible, humanely confines or quarantines indefinitely in the interest of its own self-preservation. ✓



*Age Jurisdiction*

The *Chicago Tribune*, in the editorial referred to, asserts that the Illinois juvenile court jurisdictional age of seventeen years should be reduced to sixteen, and then naively suggests that "There is no *excuse* for the proposal of *some of the social workers* that the age limit be raised." As a social worker of a kind, proud of the designation, I trust you will not deem me presumptuous if I register an emphatic objection to this ill-conceived belief. The *Tribune* would apparently reduce the age from seventeen to sixteen because sixteen, it says, is "the age at which the state relinquishes control over school attendance." Does that mean that the *Tribune* thinks that sixteen is an age at which the state of Illinois should cease to be interested in protecting and correcting its children through social education? The jurisdictional age limit in the California juvenile court has been *twenty-one* for the last twenty-eight years.

I think we stopped at twenty-one in California because that is the voting age which I freely concede is a no more sensible criterion of jurisdiction than the *Tribune's* school attendance age. Originally the California Juvenile Court Law, adopted in 1903, applied only to minors under eighteen. But it worked so well with them that in 1911 we extended the act to include all persons under twenty-one. That works so well that social workers in the west together with a great number of judges, journalists and others, are seriously advocating the abrogation entirely of the voting age limitation.

Why should the jurisdiction be arbitrarily limited to those who are under the chronological age of twenty-one as is the case in California, or younger as is the case elsewhere? Why not arbitrarily fix the chronological age at twenty-five or more? Or if that gives offense, why not abandon arbitrary standards entirely and make *mental*



age the test? If we widened the jurisdiction of the juvenile court by fixing the chronological age limit at twenty-five or above, which could not be more arbitrary or senseless than fixing it at twenty-one or less, or if we made mental age the test, we should at least be approaching the problems of the great majority of our criminals with sense and humanity.

The day of the juvenile court as an agency dealing with children only is passing. Those who are unaware of this fact have failed to see the signs of the times. In many jurisdictions juvenile cases and adult cases involving family matters are already determined in juvenile, domestic relations or family courts.

The jurisdiction of the juvenile court ends automatically when the jurisdictional age is attained, no matter how well the child has done under supervision or how essential to his welfare and success continued supervision may be. Similarly, in the case of the adult, probation terminates, regardless of the consequences to the probationer, when the maximum term for which he might have been punished has elapsed. Many specific offenses are not probationable at all in most states, although in a few enlightened jurisdictions *all* are probationable or only those involving capital punishment are excluded. The day is not far distant when all of the foregoing arbitrary legal limitations will be entirely removed.

Eventually, too, the power vested in individual judges to determine in their uncontrolled discretion when the offender shall be dealt with in the juvenile court and when in the adult court will be withdrawn. The California Juvenile Court Law provides that the judge, in his discretion, if the defendant is over eighteen but under twenty-one, may arrest proceedings in the Superior or adult court (except in capital cases) and determine that such person shall be dealt with as a ward of the juvenile

court. Everything depends upon the intelligence and humanity of the individual judge. The California law also provides that no person under eighteen years of age shall be prosecuted for crime until the matter is first submitted to the juvenile court. In *all* cases, however, at all times, the individual judge has plenary power to proceed at will, in the Superior Court under the general law! I am happy to say that few children under eighteen years of age are treated as criminals and prosecuted as such. But occasionally we do encounter a judge who entertains sentiments like those expressed in the *Chicago Tribune*. Then the criminal court takes jurisdiction and grinds away at punishing an offense "against the law."

*People v. Joe Tossi*

The case of *People v. Joe Tossi*, reported in 85 California Appellate, is a striking illustration of what then occurs. This boy had been charged in the lower court with the crime of robbery. He failed to make any suggestion about his age, so he was haled into the Superior Court where this interesting dialogue took place between the judge and Joe who had no counsel:

The judge: "How old are you?"

Joe: "Fifteen."

Q. "Fifteen?"

A. "Yes, sir."

Q. "Tell me the truth about it—how old are you?"

A. "I told you the truth, sir."

Q. "You are only fifteen?"

A. "Yes, sir."

The judge: "You are a big boy for fifteen. I don't know as I *can* send a boy of your age to San Quentin."

Joe: "I never knew you could send a juvenile to prison."

His Honor: "Of course you can! Don't think you are immune because you are a juvenile."

Poor Joe replied: "I never meant that; but what are reformatories for?"

The judge has never answered that boy's question. He, then and there, the judicial temperament having been fired, vented the judicial spleen on Joe and sentenced him to San Quentin.

A splendid woman lawyer interested herself in Joe's case after he arrived at San Quentin, and took him back to the judges at

Sacramento on a writ of habeas corpus issued by the appellate court, on the ground that Joe, being fifteen, had been dealt with in the Superior Court without having first *as the law specifically directs* been sent to the juvenile court.

What did the Sacramento judges do? Why, sitting as a juvenile court, they promptly decided that Joe was not a fit subject to be dealt with under the juvenile court law, but should be prosecuted under general law in the Superior Court! And when they got Joe back into the Superior Court, they refused to permit him to withdraw the old plea of guilty, *entered before he had counsel*, and again sentenced him to San Quentin. This time they made it stick.

There is a sequel to Joe's story which is told in letters I have from friends high in the official family at the prison. One reads: "Prisoner No. 42,801 was received here October 26, 1926, from Sacramento; sentence, five years to life. His age on entrance was fifteen. He was born in Akron, Ohio. His father was dead. His mother was thirty-five. He gave his occupation as laborer. Physical examination showed him to be in good health." Note that when Joe arrived at San Quentin he was in good health.

Another letter reads: "This inmate had his term fixed in November 1931, (almost five years after Joe entered San Quentin) at twelve years. He was released on parole sixteen days later for hospitalization. . . . In July 1931 he was in the hospital for observation complaining of pain in his chest and productive cough. He was again in the hospital in September for gastrointestinal observation. In October exploratory laparotomy was done and it was found that he had chronic appendicitis and tuberculous peritonitis. He was discharged from the hospital on parole."

San Quentin did something more to this boy. One of my letters reads: "On June 13, 1928, this inmate (Joe was then sixteen), while walking through the jute mill, was struck in the back by someone with a knife. He did not know who did it because he started to run. Examination revealed a cut twelve inches in length . . . extending through the muscle and down to the spine. On the right side the pleura could be seen moving with each respiration. I recall the stabbing incident," the writer says. "It was due to what might be termed a 'love affair.' This boy being young, was imposed upon by some of the 'old wolves' who endeavored to 'make him.' There was jealousy and the victim of his unrequited love was probably the one who inflicted the injury."

San Quentin did not simply fix this boy's term at twelve years, and sixteen days later give him up "for hospitalization." San Quentin had broken and destroyed him.

So Joe, fifteen when he wandered away from his mother's home, having like the prodigal son journeyed "into a far country and there

wasted his substance," and having had his substance brutally wasted by the cruel prison regime, was permitted to return to his mother's home. There was no such happy ending, however, for Prodigal Joe as for that other prodigal. In California, Joe's "far country," it is true "no man gave unto him." We did far worse than send him to the fields to feed the swine. Joe died at Akron, Ohio, four months after San Quentin released him on parole.

I know it was necessary to restrain Joe Tossi. But I wonder if the Sacramento judges realize what was done to this boy in their orthodox criminal court with its cherished notion of punishing offenses, as the *Chicago Tribune* so well describes the technique.

Under any decent setup judges at least could have insisted that this prodigal be humanely restrained. If they had really tried there was a chance that they might have *saved* him in the juvenile court and sent him back to his mother's home, repentant and well, where, in the words of the old parable, she might have said: "It is meet that we should make merry and be glad, for this, my son, was dead and is alive again; he was lost, and is found!"

### *Continuity of Court System*

The juvenile court and probation are part and parcel of our whole judicial, institutional and penal system despite the universal tendency to make them separately functioning, independent, governmental entities, sufficient for all purposes unto themselves and entirely disconnected from and having no business with or interest in other governmental institutions.

The effectiveness and growth of the juvenile court and probation are utterly dependent upon public attitudes and public support. The public at large will either make it possible for us to extend the functions of the juvenile court and probation and to do intelligent work, or will check us and compel us to do poor work.

The juvenile court was first conceived as a better method merely of combating delinquency *after* delinquency had occurred. But we have discovered long since that delaying the court's activities until delinquency occurs is even more senseless than the classical practice of

locking the barn after the horse is gone. The juvenile court will render its most effective service as an instrumentality of prevention when it cooperates to the utmost with all other agencies and institutions, governmental and private,—in a far-seeing medico-social prophylaxis.

Improving the physical and social environments is, of course, the simple application of a rule of common sense. But there is little room for the prevalent belief that this is a panacea in the field of crime prevention. After all, many of our serious offenders come from our best homes and groups, having had social, educational and religious advantages. Frequently only one child out of several in the same family is delinquent. On the other hand, it is obvious that even in the worst parts of our community the great mass of the population is not criminal.

We have seen millions expended in social and educational work, in slum clearance, on playgrounds, in vocational training and the like. It is for no lack of earnestness that these vast works with their attendant untold expenditure of public treasure have not been able to solve the problems of crime.

The day is not far distant, however, when the resources of psychiatry will be brought to bear more effectively than they have been in the past upon our problems. No one contends that psychiatry presents a cure-all for crime but it must be recognized as one of the scientific approaches to the understanding of personality.

Psychoanalysis makes conscious that which is unconscious. Much delinquent behavior is so utterly irrational, except on psychoanalytic bases, and so deeply rooted in unconsciousness that its meaning and its causes and the corrective possibilities involved are entirely beyond the reach of judges, probation officers, social workers and teachers without the aid of clinical psychiatry.

Certain it is that there are many personalities for

whom criminal activity is so deep, so hidden, and so unconscious an emotional need that they indulge in it, under either good or bad external circumstances.

We know definitely that the effect of punishment cannot be accurately measured. The whole function of the modern prison and other institutions must be protection of society. The best way to accomplish this objective is to reform the criminal. This means that the entire scheme of criminal rehabilitation must be adjusted to modern scientific thought and that institutions must be built and equipped accordingly.

Perhaps in time the legal process will terminate entirely once guilt has been established—the sentence, disposition and treatment of the case being left to experts in behavior analysis. In any event, we do not release the insane or the feeble-minded or the infectiously sick until it is safe to do so. If the offender cannot be reformed, if it does not become safe to release him, he must never be released.

Wholesale changes, however, are not in order. Reform will come, but it will be piecemeal, slow and laborious—as is ever the case. After all, the chief value of the juvenile court and probation lies in the attitude they advance. This attitude, we hope, will be adopted in good time toward all offenders.

## V PROBATION STATISTICS



### Getting Facts Into Figures

CHARLES B. VAUGHAN

*Assistant Director, North Carolina Probation  
Commission*

GETTING facts into figures is a complex and novel subject. In the hands of experts, figures are not only symbols for the conveyance of thought or control of facts but they produce great effects. The mechanics of bookkeeping, like skirts, have been shortened quite a bit since the days when the efficient bookkeeper was the man who never made a smudge on the page nor a mistake in addition or subtraction. Let us hope they will not follow the present "wasp-waist" corset style which leaves no room for expansion.

Figures can be drawn up in such a way as to disclose the true condition or facts, or they can be drawn up in such a way as to conceal the true condition. One may build dizzy statistical superstructures on wobbly foundations of unverified, inaccurately observed and incomplete facts. For instance: you support Table A by Table B, B by C, and C by A. A is the base after all. Sometimes two propositions may reciprocally support each other without detriment to right reasoning and at that point begins the vicious circle. One cannot prove anything unknown by something little or less known, or something uncertain by another thing of equal uncertainty.

This type of logic reminds me of the Scotchman who took his small son out for a walk and told him to take longer steps in order to save wear on his shoes. The little fellow took such long steps that he split his pants.

What I am trying to say is, when you try to prove too much, you prove nothing.

In *The Offender in the Community*, the 1938 Yearbook of the National Probation Association, the number of states adopting direct state administration of adult probation is reported to have increased from three to thirteen during the past five years. "As yet, however," Mr. Chute says, "we have not established an even fairly complete statewide system of probation covering all courts in any state of the Union, unless we except the small states of Rhode Island and Vermont, and possibly Massachusetts."

This being true, it may be possible for North Carolina to have credit for being the first state to establish a statewide system covering probation in all courts of record. (Courts of record in North Carolina are the superior, general county and recorder's courts.) Furthermore, North Carolina might well serve as an example for the nine states which do not have adult probation laws.

It may be of interest to you that the North Carolina General Assembly of 1937 without a dissenting vote passed the state's probation law under which we operate. This law authorized all courts of record to suspend sentence and place on probation persons convicted of any offense not punishable by death or life imprisonment. Standard provisions regarding investigations, conditions of probation, duties of officers, revocations, and so forth, were included. We began operation on November 1, 1937 and since that time 2759 persons have been placed on probation.

Our law closely follows the National Probation Association's model probation law for a setup not including parole in the same administrative unit. We have a centralized and uniform system of administration and structural organization. The state has 21 judicial districts



with 21 so-called regular, 6 special, and 7 emergency superior court judges; also 97 judges of general county and recorder's courts, making a total of 131 judges now using probation.

You can readily see that without centralized, statewide executive and supervisory authority, the administration of probation would probably be marked by the greatest variations. Each probation district would be an independent unit, therefore we should probably have as many different probation systems as there are districts in the state. Obviously, we should function with widely varying effectiveness because we should be almost totally lacking in correlation and uniformity.

### *District Offices*

We established eleven probation districts with headquarters suitably located throughout the state so that the probation officers can do their work quickly and economically. Our system is flexible. With centralized authority, we are able to evaluate results, methods and procedures so that the courts can discriminate more wisely in the selection of offenders for probation treatment.

Carbon copies of all reports, case histories, social investigations, supervision narratives and other essential information relating to the individual probationer are mailed to the central office in Raleigh where they are properly recorded, filed and readily available to the courts. A complete setup of the files of every district office is kept in the central office which can be decentralized in part or in whole at any time it is felt necessary to do so.

By having our records and procedure absolutely uniform, we can realign the districts and transfer cases from one officer to another without lost motion; also, when new officers are appointed they can be trained in the central

office to take their places anywhere in the state. Then, too, under our rotation system of superior court judges we like to think that a judge will have a uniform system no matter where he is holding court.

Our statistical records were set up contemporaneously with the system, which means that we have a continuous audit of the work done in each district and the entire state. From these records we are able to get facts into figures instantaneously. We try to evaluate properly and sensibly this information, otherwise the statistics would have little value or service from a constructive viewpoint. We should be as aimless as the young man who threw a kiss at his girl in the dark. He knew what he was doing but his girl did not. The doctrine of *laissez faire* may apply in the case of this young man but good public administration depends on a knowledge of results and we try to make our statistics serve as a searchlight.

#### *Centralized Control and Supervision*

The Probation Commission through its director, J. Harris Sample, exercises full control and supervision in the field and holds each probation officer responsible for the probation work of the courts of record in his district. These officers devote full time to their duties and are not permitted to leave their districts on official business without prior approval of the director. Supplies, including postage, stationery, office forms, equipment and so forth, are requisitioned and furnished from the central office at Raleigh.

Probation officers are required to mail to the director daily travel logs, showing in detail the distances traveled, departure and arrival hour, supervision and investigation contacts, and the cost of travel and subsistence; preliminary notices of pre-sentence or pre-trial investigations; copies of all such investigations; copies of judgments

placing defendants on probation; copies of conditions of probation, special or otherwise, as may be ordered by the court; complete social case histories of probationers, as soon as temporary disposition or permanent plans have been made; chronological narratives showing the interviews with probationers or others, services rendered, jobs secured, problems discussed, and similar pertinent data; written monthly reports from each probationer, showing employment, earnings, expenditures, amount of fines, costs, restitution and support paid, progress of rehabilitation; copies of correspondence with other probation officers; weekly itinerary in advance; monthly report, showing all activities of the office, number of investigations made, supervision and home visits, time spent on each of the various phases of the work and all direct and indirect contacts with probationers.

As a result of this influx of information into the central office daily, weekly and monthly, it is an easy matter for us to "get facts into figures" in their proper relations for successful control and administration.

#### *Statistical Methods Simple and Inexpensive*

The methods by which we secure and arrange statistics are very simple, also inexpensive. For each case folder in the central office we have a "visible" card which has been substituted for the face sheet. Immediately on receipt of a copy of the judgment, copy of conditions of probation and a form which we call "Summary of Offense and Offender," most of the information that we wish to use in our statistical tables is transcribed to the card on which is entered other data as they reach the Raleigh office until it is complete. The part time clerical worker who enters these data in subsidiary books (three ring loose-leaf books with mimeographed sheets) then makes the entries from these cards in the subsidiary books.

These entries are made daily on the loose-leaf mimeographed sheets, therefore it is only a matter of a few hours to add up the columns and transfer the data to the statistical tables that we are using in our monthly, semi-annual or annual reports and that we may soon use in a biennial report.

Mimeographed forms for these tables are made in advance and although they are exact, these tables and forms are not too elaborate. One clerk can easily keep all of these statistics. At present we are compiling from these subsidiary sheets tables as follows:

Table I is *Race and Sex*. This first table is the balance sheet or pivot around which all others must revolve. It shows all previous totals of probationers received and current total during the month or period for which the table is prepared. Deducted from the grand total are the revocations, terminations and expirations. All preceding tables must be in agreement with these totals, otherwise there is an error somewhere down the line.

Tables II and III show the number of probationers received from all courts of record. These carry the previous totals, current totals and grand totals, less revocations, terminations and expirations. The figures relating to the probationers received from each individual judge are shown opposite his name.

Supporting these tables are subsidiary books carrying the names of the individual judges alphabetically and they show the name and case number of each probationer, his offense, place and date of court hearing, type of judgment and other pertinent information relative to each probationer received from this particular judge. Although the totals are carried to Tables II and III, yet by referring to these subsidiary records we are able to instantly give any recorded information to any judge about any of his cases at any time. This is most important when you are

trying to serve 131 different judges, especially so since judges often visit the office of the Probation Commission when in Raleigh and discuss the progress of persons they have placed on probation.

Table IV shows *Previous Convictions*. It is broken down according to sex and shows the number of convictions accordingly. Subsidiary books for this table carry the name and number of each case under headings such as "No Conviction," "One Conviction," "Two Convictions," throughout the entire number, therefore this information can be given instantly and used.

Table V shows *Offenses* arranged in columns according to sex and total of each offense group. Offenses are listed alphabetically. From this table we are able to give you all abandonment, bigamy, larceny and other cases instantly. The subsidiary sheets for this table are alphabetically arranged in a book according to the offense and under the offense we list the name and number of the case and degree of offense committed. If it becomes necessary to make a study of offenses we can instantly give every case of any particular offense by name and probation number.

Table VI shows *Occupation and Employment*. It is arranged in columns showing the number of probationers employed, not employed, or irregularly employed, according to occupation. The subsidiary book for this table is alphabetically arranged under types of occupation. For instance we show 148 mechanics or 154 cooks in Table VI. By referring to the subsidiary book and looking under the heading of mechanics or cooks on probation, we are able to give the name and number of every mechanic or cook and we instantly know if he is employed, unemployed or has irregular employment. These occupations run from A to W, that is, from accountant to WPA workers.

Table VII shows *Age and Sex* of all probationers. The subsidiary book shows the names of all probationers grouped under age classifications. Should we find it necessary to study any particular age group, we simply turn to the subsidiary book and we instantly find every case and probation number of the group segregated according to age and sex.

Table VIII shows *Education and Sex*. The grading of formal education ranging from "none" to "college degree" is shown and the totals are immediately before you. The subsidiary book for this table is arranged according to the range in education and shows the name and case number of every probationer under this classification. If we should want to make an analysis of the first, second, third or ninth graders, we simply refer to the group wanted and we are able to instantly identify each probationer and can immediately take out the case history and study the individual case records.

Table IX shows *Sex, Marital Status and Dependents* in columnar totals according to race. If this table shows for instance a total of 1507 males and if it should be necessary to refer to the cases according to marital status, we simply turn to the subsidiary book and under the designations, "Single," "Married," "Widowed," "Divorced," we find the name and case number of each probationer according to this particular classification.

Other tables show *Types of Judgments; Types of Investigations; Costs, Fines and Restitution*, etc., and each of these tables is supported by similar subsidiary books showing in detail the name, case number and pertinent information about each probationer grouped accordingly.

We feel that these divisions form intelligible records because it is in the subdivision and subsequent analysis that we are able to show a tangible result. We have tabulated only the data that seemed important, but we have

in the individual case files fairly complete data for a much fuller statistical analysis if found necessary.

The tables are standardized. One part time clerk is able to post in the subsidiary books all information as it is received day by day from the probation officers. From the totals of these subsidiary books we can condense each group into proper classification. Therefore, to prepare these tables either daily, weekly or monthly, all that is necessary is to add the columns of the subsidiary books and carry them to the proper columns on the tables. The total number of all probationers is carried in Table I, and "the sum of the component parts must equal the whole." In other words, we have an automatic "safety control" and no one book can be out of balance without throwing all others out.

Likewise, our case files are arranged numerically by districts and if a case is removed by revocation, termination or expiration a dummy folder is prepared for this number with appropriate information attached. In this way, the possibility of ever losing a case is remote.

These records characterize every probationer in an objective and impersonal manner. To make a complete study of any case is another story. Files of cases are not only arranged numerically by districts but a cross-reference index is kept. When we pick up a case folder or file we immediately know the type of information it contains because the index of contents is shown on the visible card. Our director has at his finger tips any or all significant information touching any phase of an administrative or social problem as well as the present status of the case.

### *Visualization*

Our entire setup is visualized by a combination shaded and spot map. Judicial districts, number and names of courts of record, county and territorial population, and



total number of probationers are shown by districts and for the state as a whole.

Probation districts are shown by shaded colors and the geographic location of individual probationers is represented by colored pins, the colors distinguishing sex and other information designated by symbols. The density of the pins gives an immediate impression of the relative number of probationers in each district and in the entire state.

Loose-leaf books are kept in which the names of the probationers represented by the pins on the map are alphabetically arranged according to towns, counties and districts. These books show all home and community visits according to the travel log made by the probation officer and the visits are segregated by dates in monthly columns. For example, if we have 100 pins representing 100 probationers at Charlotte and we want to know their names, we immediately turn to the proper book, refer to Charlotte and there we find their names and case numbers. If John Jones is among them and we want to know if or how often the probation officer has made visits (home or community) to Jones, we look up the sheet containing his name and find all visits recorded according to the types and dates. The complete case, with all other forms, letters, etc., is instantly available for detailed study. The geographic location of each probationer is properly recorded and we can follow the travel of each officer and help him plan his itinerary each week or as the occasion requires.

### *Costs Easily Obtained*

Our statistics not only supply us with a picture of offenders in the mass by sex, nativity, race, age, address, previous criminal record, personal data, family and social history, and so forth, but also with the financial cost of



supervision per probationer, per probation officer or for the entire system.

Against a background of pertinent population statistics we can thus form an idea of the changing characteristics or origin of offenders, and the nature and effects of administrative and supervisory measures applied to them. To determine the measure of success in the administration of probation, recourse must be had to statistics. The extent to which the data are broken down into significant categories and the intensity of the analysis will vary directly with the jurisdiction involved.

Our cost of operation is broken down in the same manner that information about probationers is carried. This breakdown is simple and I might say so arranged that the director has at the close of each day any required or desired information.

As we all know, the budget bureau or department controlling the purse strings is also vitally interested in the cost of administration, therefore records must show in a comprehensive manner *all* facts concerning operations and conditions. A good administration must not only have a good method but a good system. Method is the shortest way to a desired result, and system connects the various methods with a general scheme.

There are more than a dozen bureaus in Washington engaged in federal law enforcement, yet it is a difficult matter to get a comprehensive statistical view of the operation of these law enforcement bureaus simply because their statistics deal with the separate agencies and not with federal law enforcement as a whole. Their data are not easily comparable. Some day I believe the science and art of correctional treatment will be rooted in statistical data. Professor Thorsten Sellin of Pennsylvania says: "Intelligent legislation in criminal matters is inconceivable without knowledge of the specific nature and

the extent of the social injury which the legislator wants to prevent in the future. Furthermore, the effectiveness of legislation can be tested only through the medium of criminal statistics."

Uniform statistics are needed. The National Probation Association has done excellent work in preparing various office forms for recording social investigation data and other records. I think it would be most helpful if the Association would sponsor the drafting of a Uniform Statistics Act or evolve some plan by which the various probation, parole, prison and correctional departments over the country might ultimately catch up with the procession.

#### *No All-inclusive Rules*

We have been speaking of statistical systems, but there are no two systems in which exactly the same forms and rules can be profitably used. As in probation, a plan may work in one case and be entirely futile in another.

There are two sides to the system question. A story was recently published about an immigrant Austrian who had built up a big wood-working plant to million dollar proportions. He carried all his books and records around in his pockets. One list showed the accounts due and the other the accounts payable. When the plant was sold the accountants representing the purchaser came to see the owner and were dumbfounded. "How do you know whether or not you're making money?" they asked. "I started with nothing," he said, "and now I own all these buildings and this machinery."

A statistical system should not be judged by extensive elaboration. Any system is good which gives the essential facts with a minimum of labor, and conversely, any system is bad which gives the necessary facts with an undue amount of labor. Often a single figure will recall an idea

as perfectly as many sentences would do, and will burden the mind less. We do not expect the drawing and plans of a house to equal the building in size, but only to indicate the position and proportion of its apartments. No matter how elaborate your system may be, if it does not give you all the answers then for all practical purposes your statistician and clerks might as well be suffering from beriberi and be quarantined by the health department.

No end of failures result from the unquestioning adoption of so-called standard forms and methods. Like a garment, you may buy some forms ready made and possibly with some alterations the forms may fit you if you have an average figure; but if you have a peculiar figure, no amount of pulling and cutting will produce a suit that will convey the impression that the tailor had even heard of you, much less measured you.

Unless one has sufficiently significant facts to present in figures there is danger of making the mechanism so perfect that the public will allow itself to think in terms of "575 murderers," "1250 convicted burglars," "2152 convicted bootleggers," and "5453 convicted misdemeanants." Statistics without significant facts may become dull and uninteresting and may lead to wrong conclusions. They are of only partial value. They show what is happening. In order to be most useful to the public or to the courts, they should be prognostic. They should be based on analyses which discriminate between alternatives.

### *Experience and Results*

Our experience in North Carolina has been brief. We began operations November 1, 1937. We have had many representatives from other probation and social agencies visit our central office. Our statistical system has made it

possible for the director to give answers to almost any question asked us.

Practically at a moment's notice the director knows about the financial cost of administration for the state as a whole, for districts or for groups of districts. He also knows about the work of the individual probation officer in his district or the work of all the officers as a group. He knows about the progress of the individual probationer or the progress of the groups of probationers by districts, or for the state as a whole.

Our mimeographed forms are simple. They are punched and used in inexpensive three ring binders and one part time clerical worker keeps them properly posted. With the exception of the visible cards used as face sheets we avoid the use of loose cards and the interminable sorting into the required categories and sub-groups. We eliminate the possibility of errors due to misplacement of such cards since our mimeographed books are permanent records. We have no mechanical equipment such as the electric sorting and tabulating machines. Such equipment is too expensive for us. We are able to tabulate whatever data we find necessary to the proper administration of the state probation system in a more efficient time-saving and money-saving way.

The director has a territory to administer with distances of over six hundred miles to be covered. Our problem has been one of initiating, organizing, directing, administering and supervising a new statewide probation system. Social research has its place, but we are not research experts nor sociologists. We do not have the money, the experts, the mechanical equipment or the time to delve into the field of research and must leave that to Professor Sheldon Glueck, if he ever wants to study our present load of over 2500 cases.

We leave also all detailed correlating, gathering, clas-

sifying and presenting statistical data by textular, tabular, graphic or other arrangements to university or private research agencies; or to our friend Bennet Mead, who has expert knowledge and equipment for doing this work as evidenced by the splendid and detailed job that he has always done in the federal field.

Many of the ideas incorporated in our system in North Carolina were borrowed from the federal probation system, having been worked out and tested by Colonel Joel R. Moore, first supervisor of the federal system, and I am happy to make this acknowledgment and give him full credit.

Each state has its own methods of administration, its own way of meeting problems; therefore it is impossible to make suggestions which will be useful for every one. We have tried to get the necessary and essential facts into figures of interest and importance to North Carolina and to secure the basic data, organize them and file them in easily handled and readily accessible form in anticipation of future needs.

## VI PROBATION ADMINISTRATION



### Integrating Probation Service on a Statewide Basis

RALPH HALL FERRIS

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THE integration of probation service on a statewide basis is a vast subject. Having been in that phase of probation service only two years I must disclaim any comprehensive or profound knowledge of its many ramifications. To clarify our thoughts on this subject, let me suggest the main forms in which the relation of state government to the administration of adult probation expresses itself.

The first form is local administration in which the state provides by law for the use of probation by the criminal courts but has nothing to do with its administration. This is exclusively local, limited to the courts and local governmental units. There is no state supervision of probation or probation officers, who are appointed directly by the courts they serve. Under this form there is no necessary uniformity of probation procedure throughout the state, and probation service tends to develop sporadically.

The second form, local administration with state advice, differs from the first only in the creation of a state agency to advise and consult with local probation officers. This agency is without authority to enforce its advice and suggestions, but the arrangement makes it possible to en-

courage the initiation and development of local probation service in the various counties and municipalities of the state and to offer probation officers an advisory and educational service. No doubt this form is a help in fostering probation sentiment in localities without probation service and in informing probation officers and judges of procedures and techniques found useful by other probation officers and judges.

The third form, local administration with state supervision, is definitely a recognition that probation service, however local, is a direct concern of the state. Under this form probation service is recognized as essentially local but in need of uniform procedures which only the state can adequately guarantee. This uniformity is supplied by a state agency empowered to supervise probation officers and to establish forms, rules and procedures to apply uniformly in all probation offices throughout the state. Thus while probation remains a local matter, general administration of it is a state function.

Over against these three forms the fourth form is that of a direct state probation service. Under this form probation is not a local matter except insofar as the granting of probation by the courts is local. Instead, it is essentially a state matter; state probation officers of the central state agency directly supervise probationers and administer probation. This form very definitely provides uniformity of procedure throughout the state and expresses a governmental theory that centralized government promotes greater efficiency and effectiveness than is possible with various and differing local administrations.

I may add in passing that in states having this centralized probation service not infrequently the administration of parole is combined with that of probation. Much can be said in favor of this combination, especially in the

matter of economy of administration. Parole tends to be exclusively a state function, since convicted offenders in prison are state charges and the contact of parole officers with judges is only incidental. Inevitably state administration of parole would tend to integration with a centralized state probation administration, despite one important element of difference between them. Even in a thoroughly centralized probation service the local aspect of probation remains, since probation is granted locally by the various criminal courts, and probation officers in supervising probationers must consult with the local judges and must act in accordance with the courts' probation orders. This continuing contact of the probation service with the judges differentiates probation from parole.

It is not necessary here to discuss the relative merits of these four forms. In actual practice some features of one are combined with some features of the others and from year to year changes take place, but to appraise or evaluate them in terms of an ideal standard is to disregard certain patent facts. No two states are exactly alike in history, points of view, or problems of government. Further, the form which may be admirable and suitable in one state, for instance Rhode Island, may be very unsuitable for another state, for instance Texas or Michigan. To call one form democratic and American and another fascist and un-American is meaningless, especially since all these forms are the products of American democracy developing variously in the different states. If you choose to evaluate these forms in terms of a governmental theory, do so by all means; but I shall not do so. All I have desired to do in these introductory remarks is to define the main forms in which the relation of the state government to the administration of probation finds expression.



*Michigan's Experience*

Having done this, with your permission I shall devote the rest of my time to Michigan's experience with probation, a sort of case history of Michigan. What we want, after all, are facts. I have some little knowledge of the facts in Michigan, just as other state administrators know the facts of their states and can give us their states' case histories. So accept my discussion as one state's case history to be filed with others, until out of this accumulating fund of information, available for study and analysis, in time some keen-eyed scientist will develop principles and policies of general value.

Michigan enacted its first probation law in 1903. This law was very brief and did little more than establish the principle of probation as one of the discretionary powers of the criminal courts. Probation was definitely limited to first offenders, whether misdemeanants or felons; no maximum period was specified; no conditions of probation were stipulated; and no position of probation officer as such was recognized. The county agent of the State Board of Corrections and Charities was the probation officer *ex officio* of the courts in the county, but in certain cases the court could "designate," but not appoint, some other person to serve as probation officer *ad hoc*. No salary was provided for probation service but a small fee and actual expenses were allowed. The law empowered the county agent to make preliminary investigations and recommend probation. The state had no control over local probation service other than the requirement that county agents file annual probation reports with county clerks for transmittal to the State Board of Corrections and Charities.

Thus at the beginning probation service in Michigan was solely a local affair, left entirely to the discretion of

the courts and local governmental units. One merit of this law was the recognition in principle that the county agent in his capacity of probation officer was the confidential adviser of the court. Its principal defect consisted in the fact that probation was only an incidental duty of a county official whose main interest and duties lay in another field. This early conception of probation as incidental to other functions became so deep-rooted in the state that even today, after a lapse of thirty-six years, the use of county officials as probation officers prevails in a majority of the counties. Probation developed only meagerly and sporadically under this law, although in some instances private citizens raised funds for one or more full time probation officers.

After a decade of experience Michigan took a forward step by enacting the uniform probation law of 1913. So little impression had the first law made that popularly and even in otherwise well-informed circles in Michigan it is usually assumed that prior to 1913 our state had no legal probation for adult offenders. This is readily understood in view of the slight and incidental use of probation under the first law. The 1913 law marks a turning point in probation theory and practice.

### *Changes in 1913*

First, the discretion of the court in determining the offenders suitable for probation was greatly enlarged. Probation was no longer limited to first offenders. It was within the discretion of the court, with such advice as might be required of the probation officer, to grant probation to any offender who in the court's judgment would profit by it. This enlargement of the court's discretion is an indication that the legislature was satisfied with the care judges had hitherto exercised in the use of probation.

Second, the period of probation was definitely limited. In misdemeanor cases it might not exceed two years, and in felonies five years. While this was a limitation on the court's discretion, its most salutary effect was on the probationer and the probation officer. No longer could the probation officer continue the probationer under his supervision indefinitely, either because of the officer's neglect to accomplish the court's order in the period prescribed or because of his desire to continue his dictatorial control. It was now definitely the probation officer's duty to produce results within the given period or be held responsible for the probationer's failure under supervision.

Third, the work of the probation officer was recognized in principle as a distinct and separate service. While the law permitted him to have other duties, he was appointed not because of his other duties but because of his qualifications for probation service. Also, the law recognized grades in the service, i.e., chief probation officer and assistant probation officers. Further, in principle, adequate compensation was recognized as essential to good service in the requirement that funds for probation service be appropriated by county boards of supervisors or city councils on a salary, not a fee basis.

Fourth, the rehabilitative function of probation was distinctly recognized by the law in defining and presenting the terms and conditions of probation. Restriction of residence in the state, obedience to the laws, and periodic reports were mandatory. Further, the court was empowered to require abstinence, payment of support for dependents and payment of fines, costs, restitution and probationary oversight fees. As will be readily understood, these conditions of probation were regarded as means to the end that probationers become rehabilitated as law-abiding useful citizens.

Fifth, a limited form of state supervision of probation service and probation officers was recognized in principle. While the appointment and removal of probation officers in local city courts still remained with the judges of these courts, the right to appoint and remove probation officers in circuit courts was transferred to the governor, subject to recommendations of the circuit judges. Also, in the matter of removal of a probation officer from office by judge or governor, such action was limited to two specific causes, incompetency or misconduct. Thus a probation officer's tenure of office was during good conduct, virtually a life appointment. Further, the State Board of Corrections and Charities was vested with authority to prescribe the forms of reports and records of probation officers and to exercise general supervision over them; but this supervision was not vested in a state officer who could devote his whole time to it.

Thus the foundation for an effective probation service in Michigan was laid by the basic act of 1913. State supervision, apart from the power to appoint and remove certain probation officers and to prescribe forms, amounted to little more than occasional advice and consultation. However, experience with probation on this foundation in the past twenty-six years has led to improvements of the law governing the state's relation to local probation service but to no revolutionary changes.

Under this law probation began to develop into a separate and distinct service and the public began to recognize the importance and need for full time paid probation officers. Of course full time service was not possible in many circuits and counties, either because of the small number of crimes or the inability of the counties to pay for probation work; but in certain urban centers the idea of full time service was accepted in principle and gradually realized in practice. Within fifteen years the num-

ber of adult probationers in the state increased from a few hundred to over five thousand. Probation service developed most rapidly and adequately in Wayne county. Today the Recorder's Court of Detroit has one of the outstanding adult probation departments of the country, and the probation department of the Wayne County Circuit Court has set a standard for other circuit courts in Michigan.

In 1921 the power to appoint probation officers for all criminal courts was transferred from the judges to the governor, but the governor could appoint only on recommendation of the judges concerned. Thus the appointment of all adult probation officers became the prerogative of the governor, although the initiation of the appointment remained with the judges. At the same time the right to remove an adult probation officer became the exclusive prerogative of the governor, but he could remove him only after the circuit judge of the county had certified that a full hearing had been held and the probation officer was found incompetent or guilty of misconduct, neglect of duty, or refusal to carry out the court's order.

In 1927 the uniform probation law of 1913 was re-enacted with substantial changes as an integral part of the new Code of Criminal Procedure. First, as to removal of probation officers from office, the judge or judges concerned (not only the circuit judge of the county of the probation officer) were required to hold a full hearing and certify to the governor the probation officer's incompetency, misconduct, neglect of duty or refusal to carry out the court's order. Second, the court's discretion in granting probation to an offender was limited by the exclusion of murder, treason, robbery while armed, and breaking and entering an occupied dwelling house in the night time, from the offenses for which probation was

permissible. Also, no person twice convicted of a felony was eligible for probation. Third, the commissioner of public welfare was vested with the authority heretofore given to the Board of Corrections and Charities to prescribe the forms of reports and records of probation officers and to exercise general supervision over them.

### *Strengthening State Supervision*

As a result of a careful survey of probation service in Michigan made by the National Probation Association in 1926 and recommendations of the state crime commission in 1930, the probation system was strengthened in two respects. While the principle of a preliminary investigation of offenders by the probation officer was recognized in the first probation law of 1903 and made more explicit in the 1913 act, such investigation was made only at the discretion of the court. As a result judges often did not use the services of a probation officer for an investigation prior to the granting of probation or sentencing an offender. The amending act of 1931, recognizing the value of a presentence investigation into the "antecedents, character and circumstances" of an offender, made such an investigation by the probation officer mandatory for every person charged with a felony, and left it permissive in the misdemeanor cases. This was a recognition of the value of such an investigation (1) to the court in making suitable disposition of convicted offenders; (2) to the probation officer in case the offender was later placed on probation to him; and (3) to the prison authorities if the offender was sentenced, since the investigation report had to accompany the commitment papers.

The second feature of this act was the strengthening of the state's supervision of the probation system. The director of the state welfare department, formerly the

commissioner of public welfare, not only retained general supervision of probation officers and the authority to prescribe forms of reports and records as before, but in addition he was directed to provide for some suitable organization and cooperation of probation officers throughout the state and to hold an annual conference of probation officers. To this end the director of state welfare called the first annual conference in 1932 at Detroit in connection with the annual conference of the National Probation Association and the National Conference of Social Work. Out of this conference there developed the Michigan Probation Association. For the first time probation officers from various counties and cities began to confer on common problems, difficulties and tasks, and a sense of solidarity in a common work evolved. Since then the Association has met each year with increasing attendance of and benefit to probation officers and contributed to the development of uniform standards and practices.

Also, because the director of state welfare had little time to devote to matters of probation, a state supervisor of probation was appointed by him to visit each judicial circuit for inspection of probation activities and for conferences with judges. Thus for the first time direct contact between the state and local probation service was provided. It is worth noting that this contact expressed itself in two ways, the collection of statistics and a friendly service of advice or suggestion.

Such is the history of probation in Michigan to July 22, 1937, when the new state department of corrections was established. The tendency toward some form of state supervision and state assistance had already been recognized; but state supervision, while increasing in importance, had been inadequate because of limited powers and the lack of any funds to provide adequate personnel. On the other hand, adult probation service, apart from



Wayne county, had developed only to a very limited extent. Of the eighty-three counties twenty had no adult probation officers. Wayne county had fifty-four adult officers, and the other sixty-two counties had sixty-seven officers, a total of one hundred and twenty-one adult probation officers in the state supervising approximately 10,000 probationers, more than half of whom were in Wayne county.

The complete picture of probation in Michigan was even more negative than this. In Wayne county the fifty-four probation officers were full time salaried workers; but less than half a dozen full time salaried probation officers were among the other sixty-seven in the sixty-two counties. The rest were primarily sheriffs, deputy sheriffs, friends of the court, justices of the peace, county agents or other county officials, or in a few cases farmers, insurance agents, etc., with only nominal salaries or incomes from fees as adult probation officers. Apart from five or six counties, adult probation was a minor function incidental to some other major interest of the probation officer. In other words, Michigan, outside of Wayne county, was still almost a virgin field for probation work.

But the picture of probation in Michigan prior to July 22, 1937, is far more encouraging than the preceding statements seem to suggest, for in the decade from July 1927 to July 1937 the number of persons on probation increased ninety-three per cent (from 5447 to 10,522), while the number of persons in prison increased less than three per cent (from 6494 to 6666). Had there been no increase of probationers, it is probable that the number of prisoners would have been substantially larger with great additional cost to the state. This rapid increase of probationers indicates that probation had proved to be a constructive rehabilitative procedure which met with growing official and popular approval.



The 1937 legislature clearly recognized both the success of probation as just noted and the fact that in many areas of the state probation was still undeveloped and probably could not be developed adequately without state assistance. To correct this situation, to give the state adequate and efficient adult probation service, the legislature established a state department of corrections with three bureaus (prisons, paroles, and probation). The supervision of adult probation was transferred to this state department and centered in the bureau of probation with an adequate appropriation. The power to appoint and remove probation officers on recommendation of the judges concerned was transferred from the governor to the commission. Thus all state supervision of adult probation throughout Michigan is now centralized in an assistant director of corrections in charge of probation, subject to the director of corrections and the Michigan corrections commission.

The law creating the bureau of probation has given the state administrator of probation rather broad and sweeping powers, but fundamental is the recognition that probation is basically a concern of the local governmental units, and that the state's concern is primarily to establish uniformity of local probation service, to promote the development of probation in areas inadequately served, and to assist the local service by supplementary state service and financial aid. The underlying conception is, therefore, not centralization of all probation service in a state agency but the development of adequate local probation service according to uniform standards set by the state.

In accordance with this policy, a survey of the local probation service was made in each county embracing case loads, probation practices, attitudes and desires of judges, probation officers, county officials and others, and

the needs of each county. On the basis of this survey the state was divided into probation districts, each with a trained district supervisor of probation in charge. Thus decentralization was provided at the start. Thereupon the district supervisors offered their services to the probation officers and judges for any supplementary service the courts might desire. Many judges and probation officers readily accepted the offer. As a result the amount of work given them in making presentence investigations and supervising probationers grew so rapidly that many judges asked for the additional men. In response a few field supervisors of probation were appointed. In this way full time probation service has been made available to courts in counties unable to pay for it.

#### *Bureau Policies*

- The policy of the bureau has two characteristics. First of all there is no intention or desire to supplant or replace the local probation service by state service, but to co-operate with all judges and local probation officers to the fullest extent and to render only supplementary service. No service is rendered in any court except with the explicit approval and at the request of the judge concerned. The bureau desires to strengthen the local service and assist in enlarging it; it has no desire to build up a state service at the cost of local service. Secondly, the bureau takes only one step at a time in the belief that no change should be made and no action taken without full knowledge of the actual situation and of the real need for a change. To get the facts of the local needs by actual investigation first and to be governed thereby without preconceptions is the only guarantee for an adequate and sound probation service locally and throughout the state.

It is too early to speak finally of results. Much work has yet to be done before the probation service in Michi-

gan will be thoroughly unified and integrated into a statewide system in which the local probation departments and the state service will be coordinated and mutually supplementary. But certain results are already apparent:

1. Effective state supervision, not replacing local service but rather strengthening it, has eliminated much dead wood on probation rolls and definitely established uniform and adequate statistical reports in every county.

2. More adequate, thorough and complete presentence investigations are made in every judicial circuit of the state.

3. In the first full year of direct state supervision the courts have placed thirty-five per cent more persons convicted of felonies on probation, and the rate is steadily increasing.

4. The use of probation for misdemeanants has greatly increased, the number of municipal courts now using probation having been doubled.

5. Judges have increasingly consulted with the bureau of probation on improving and increasing their probation service and have joined in special conferences on probation problems in various parts of the state.

It is especially noteworthy that with few exceptions local probation officers are strongly in favor of our type of consultation and supplementary services and believe that state supervision has assisted them and strengthened their work. Time will tell whether our policy has been wise and fruitful to the state.



## Executive Leadership

WILLIAM J. HARPER

*Director, Westchester County Probation Department  
New York*

THIS paper attempts to present three phases of an executive's problems and responsibilities: first, those connected directly with his daily work as an executive working with and through his staff; second, those which are related to the life of his community; and last, those which have a bearing on his position as a representative of his profession.

This subject has been discussed by several speakers in the past at national and state conferences. In reviewing some of the previous papers I observed that the principal problems considered dealt with the qualifications, selection, training, assignment and promotion of staff; the use of volunteers; the powers and duties of the probation executive; the laws covering investigation and supervision of clients; violations, transfers, revocation, discharge and surrender from probation; record keeping and statistics. It is true that most of the executive's time and attention must center around the problems which arise in these involved and difficult aspects of our work.

To show that in Westchester we do not neglect these responsibilities, I should like to refer to my engagement book during a one week period this month, and very briefly enumerate some typical conferences which were held during this seven day period. They were as follows: two conferences with our children's court, county court and supreme court judges and the budget commissioner to discuss personnel matters, civil service procedures, budgetary problems, and new assignments of staff; sev-

eral conferences with our deputy director concerning problems connected with vacations and sick leaves, his case work conferences with the county court staff, and a discussion of working agreements recently effected with the office of the district attorney in an attempt to reduce the number of inmates in our county jail awaiting trial or other disposition of their cases; several conferences with our supervisor of case work about the quality of service in our district offices, a discussion of difficult cases referred by the children's court judge, and plans for clarifying policies and mutual responsibilities with another county agency; a conference with the statistician inquiring about procedures in connection with the recent rulings of our State Division of Probation concerning transfer cases, and advice to her about specialized courses to be taken at one of the universities next year; a conference with a newly appointed probation officer after her first day's experience as a member of the staff; four conferences with various officials of the department who had personal problems they wished to discuss; a conference with one of the students from the Fordham School of Social Service, who was leaving us after completing his field training assignment; another with one of the students recently assigned to us by New York University on the same basis, seeking information on the most useful material to study dealing with juvenile delinquency and domestic relations; finally, and not the least important, a conference with a client who felt that he was being treated rather badly by us.

I have listed these conferences covering a one week period, not to show how busy I am but to illustrate a few of the types of service which we are naturally expected to extend to and for our respective departments. I am sure your engagement book would show similar problems.

I should like to point out that many of these engagements resulted from problems which had first been delegated to other members of the executive staff. I am confident you agree with me that, as we delegate certain duties and responsibilities, the greater is our opportunity to be a real executive and to develop interest, initiative, and growth on the part of others of the executive staff. It is one of the most effective means I know to develop team work, loyalty and good will, provided that those entrusted with authority have been carefully selected and trained.

Admitting this responsibility of the probation executive to direct his department and supervise his staff, and admitting that the mechanics of administering a department must be adequately and efficiently established, I should like to present for your consideration some other phases of executive responsibility which have not been given such prominence at our meetings in former years. I refer now to those broad social, educational, economic and community problems which are particularly of interest to the probation executive in his capacity as director of his department, as a public official and as a member of society.

Regardless of whether we direct a probation department having jurisdiction over adult offenders, wayward minors, domestic relations or children's cases (or of all of them, as we do in Westchester), we must of necessity have observed the host of social and economic changes taking place in our national life which have a direct bearing upon our work and the lives of our clients. I should like to discuss these changes from two points of view, and endeavor to point out some of the problems and opportunities which they present to us.

On the one hand we have seen, as perhaps never before, a series of social measures initiated or developed

by our federal government, reaching down into our respective states and permeating every village and hamlet. I shall not attempt to enumerate them all but shall mention only a few. We have observed the adoption of federal or state measures for public assistance, work on public projects, enlarged and expanded state employment offices, unemployment insurance, old age assistance, aid to dependent children, care of the transient, some slum eradication, the development of the Civilian Conservation Corps camps, the National Youth Administration, minimum wage laws, and the expansion of labor unions. Most of these changes have come down to us from areas of wider jurisdiction.

On the other hand we are aware of certain forces arising out of our local communities. In Westchester it seems that councils of social agencies and welfare federations are realizing more and more the opportunities which are theirs to study, evaluate and coordinate the work of the various local social agencies. More communities are establishing coordinating councils or local councils of social agencies with the police, the schools and the church as active participants. The institution of greater recreation facilities, increased use of the school plant both for vocational and leisure time pursuits, community chests, the broadening of the programs of such agencies as the Young Men's Christian Association, Young Women's Christian Association, the Catholic Youth Organization and others too numerous to mention, are all part of this changing attitude, reflecting a greater local concern in the general welfare of the community and the assumption of local responsibility and action.

Let us stop here to ask ourselves, "What relationship do these facts bear to the subject of executive problems?" Simply this,—there is not a single one of them which does

not have a direct or indirect effect upon us in our work for the social convalescence of the offender or the delinquent. Every one of them has an effect on the eight channels through which we endeavor to effect adjustment to acceptable social standards—namely, the family, mental and physical health, recreation, education, employment, economic security, spiritual development, and obedience to lawful authority.

To the probation executive these changes are significant for two reasons. He must keep informed concerning them in order that his staff may know of them and make use of them in both investigation and supervision service. In addition, he should be prepared to analyze what effect these changes have, beneficial or otherwise, upon the clients who are entrusted to his care by the courts.

To be more specific, since so many who are on probation come from underprivileged areas, have made poor use of leisure time, are often in debt, are unskilled vocationally and frequently unemployed, belong to no union, attend no church, have not accepted normal codes of conduct or action, they constitute a group which should be directly affected by many of these social changes.

If this be true, what answer can the probation executive make to such practical questions as, "Do our unemployed men on relief really want to work?" "Does the Works Progress Administration destroy initiative?" "Does the Civilian Conservation Corps really cost \$1200 a year per boy, and does it actually do much for him?" "Have you found the National Youth Administration practical for the boy or girl whose parents are on relief?" "Should such services be extended to others, not necessarily from relief families?" "Do you believe in cash relief from your experience in dealing with those on probation?" "Does a recreation plant or the expanded use



of school property, or slum eradication actually reduce the delinquency rate?"

The point I would stress here is that the probation executive must be prepared to participate in the formulation of social policies, in analyzing social legislation, in evaluating its effectiveness, and he must acquaint his staff with all such social changes as relate to his department.

It is unnecessary to recall to this nationwide group of probation executives the problems which these federal, state and local laws and policies have brought to our desks, requiring our attention and our time. It is for this reason that we find it helpful, and at times necessary, to serve on advisory committees of various groups or to participate in their deliberations.

#### *Diversified Executive Activities*

To illustrate some of the opportunities which are ours in this phase of community responsibility, I should like once more to refer to my little red book of engagements covering the one week period previously referred to. Here I find that I participated in the following activities or conferences: the annual meeting of our Westchester County Probation Association, attempting to secure greater public interest by means of a program of activities for next year; a conference as a member of the advisory committee of a local boys' club organized and directed by one of our probation officers four years ago, to discuss final plans in connection with the raising of \$1500 to send one hundred boys and girls to camp in the summer; a conference with the county recreation director concerning two problems, one wherein he requested the assistance of one of our colored officers in coordinating a community program for the colored, and another, in which I requested the assistance of his commission to improve a recreational program in one of our

towns which has been giving us serious concern; attendance as a member of the board of directors of the county council to discuss child and family welfare problems and the issuance of a new directory of social agencies; a conference with the county president of the magistrates' association to discuss plans which we hope will improve both probation and judicial procedures throughout the county in these courts; a conference with another public county agency to effect new procedures concerning the release of mentally defective children from institutions; two separate conferences with the superintendents of private juvenile institutions to discuss proposed procedures dealing with the after-care of children released from their institutions. (This, incidentally, will change very materially the former division of responsibility.)

I find that I attended a discussion at one of our nearby private institutions dealing with criteria for placement in foster homes and institutions; a conference with a recently formed local council of social agencies; a meeting of a local youth advisory council; the annual meeting of the Metropolitan Council of Parents and Teachers (to hear Dr. Gulick defend his recent findings concerning education in the state of New York, and a refutation of the same so far as Westchester county is concerned); as a member of the board of directors, a meeting of a private agency dealing with child and family care to discuss proposed changes which were recommended after an independent survey of the agency's policies and functions had been prepared.

I held more personal conferences with two state parole officers who serve Westchester; the superintendent of one of our state juvenile institutions; a probation officer seeking advice as to the best procedure for the adoption of an adequate ordinance to supervise the activities of junk dealers where we had discovered juvenile delinquency

problems centering around the buying of stolen junk; and two conferences with press representatives, one in which I was interviewed for an article concerning the types of service we provide in domestic relations cases, and the other which I requested because of a greatly increased interest in social work problems on the part of several teachers in the county. This conference concerned the possibility of accepting teachers during summer vacations as volunteers in different social agencies of the county, with the understanding that such teachers be given credit by their respective boards of education and superintendents or by the various universities offering courses in social work.

From this second group of citations you will observe how necessary it is for the probation executive to reach out into his community and participate in its deliberations, particularly where problems of delinquency, crime, or crime prevention are being discussed.

### *A Wider Outlook*

I should like to engage for a few minutes in a discussion of one remaining phase of the probation executive's problems and responsibilities as I see them. Your attendance at this national conference is visible proof of your realization that the probation executive must not only serve his department to the best of his ability and participate actively in all that his community does in dealing with the welfare of society, but that he must also be prepared to work in the interest of his profession, by giving intelligent and unselfish service in a desire to advance and improve probation throughout the country.

We have gathered together to discuss methods of improving our services to our clients and to our community, to study the weaknesses which are still obstructing the growth of probation and to seek ways to remove them.

It is here, at our national conference, that we should plan to renew the fight on a broader plane and to develop greater interest in our work and support for it.

To be more specific, what steps can we recommend to improve the much debated social and legal procedure in our children's courts, family courts, and in courts dealing with wayward minors? Can some social agency other than the probation department or the court deal more effectively with the problems which present themselves before our judges in these settings?

How can we best enlist the services of other groups to support our governors who have tried, heretofore unsuccessfully, to establish a state department of crime prevention, or do we favor some other agency to accomplish the aims of such a division of state government?

What progress has been made since last we met in dealing with the old discriminations against the clients whom we are attempting to rehabilitate, on the part of the Army, the Navy, the Coast Guard, the Civilian Conservation Corps, and the Alcoholic Beverage Commission?

What legislative enactments favorable or unfavorable to probation were passed during 1938 which we might study here and about which we might formulate some constructive thought?

If probation investigations are intended for the confidential use of our judges alone, prepared with the understanding that they are personal, and devised solely to assist the court in understanding the offender and his problems, should our judges release indiscriminately to the public the information which has been so carefully gathered by us? If so, then we know that the avenues of information from other agencies giving us access to their records, and the doors of friends, employers, and of the family and others who assist us in confidence, will be

closed to us, and the information will no longer be available to us or the court. Stereotyped and much less valuable investigations will result, containing for the most part information from legal sources.

Have our comparatively recent experiments through our bureaus of adjustment, or informal probation procedures, proved their value?

Can we show successful achievements in the use of foster home care instead of juvenile institutions for delinquent boys and girls who must be removed from their homes? If so, how can we best expand or develop such a program?

Have any of the state or federal crime commissions made reports since we last assembled, and if so, of what significance are they to us? Have any of the state bar associations made reports of their studies to improve our outworn codes of criminal law and criminal procedure? What new pieces of research have been developed which have a relationship to our work?

What significant progress has any group made in improving the admittedly vicious evils surrounding the jail system?

Should probation and parole be coordinated? What are the advantages? The disadvantages? What factors must be considered when such a coordination is contemplated? Should juvenile probation be excepted from such a merger? Should juvenile probation and parole or after-care from juvenile institutions be coordinated?

Finally, can any one tell us how much money has been expended or allocated during the past year from federal or state funds to construct new prisons and mental hospitals or to add more units to those already built, and how much has been expended for probation or other services to keep people out of penal or mental institutions and children out of reformatories?

In conclusion, I sometimes feel that some of these problems of the probation executive to which I have referred, have too frequently resulted in the passing of resolutions of approval or condemnation at the business session of our conference, coming shortly after the customary paragraphs of praise and appreciation to the mayor and others for the hospitality extended during our visit, and that not enough carry-over or long term study of our problems takes place between our national conferences.

This is said with no sense of disparaging the work of our state or national officers who have given their time for many years to advance our cause. However, they need our support and our continued interest and work if they are to achieve any practical working out of our objectives.

At the close of this session we grapple for another year with the problems of unhappy, bewildered, discouraged men and women, boys and girls under our supervision, entitled to all the assistance and guidance we can offer them. We see our nation, our state and our community endeavoring to cope with social and economic problems so severe that at times they seem almost insurmountable. We can and we must make our little contribution as probation executives to relieve some of this distress and misery.

That is the idea back of our assemblage here. What can we do about it?

## VII PROBATION AND PAROLE PROGRESS



### The Place of Probation in the Criminal Court

JUSTIN MILLER

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THE title which has been assigned to me for discussion is useful and appropriate in that for convenience it eliminates from present discussion several large segments of the subject of probation, including juvenile probation, the organization of probation administration, probation work in the field, and the coordination of probation with other social work, police administration, education, parole and crime prevention. It is useful and appropriate, also, in that it concentrates attention on the criminal courts, a phase of probation administration sometimes avoided in the thinking of those who are interested in probation administration. But, paradoxically, in achieving the objective just mentioned, the title is highly deceptive in seeming to suggest or admit that the administration of probation in the criminal courts can in fact be thus isolated from other segments of the subject, such as those which I have just mentioned.

For example, the concept of juvenile probation cannot be disregarded in considering the administration of probation in the criminal courts for a number of reasons, most tragic of which, perhaps, is the fact that in some jurisdictions separate juvenile courts have not been established and juveniles are still treated as are adult criminals. In fact, it is only very recently that the federal law

was corrected upon this point.<sup>1</sup> Another reason why juvenile probation cannot be disregarded in the administration of probation in the criminal courts is that in a large percentage of criminal cases the happiness of the home, the family and the children, and perhaps the very existence of the home and family, depend upon the action taken by the court concerning the accused person who stands before it; and the incarceration of the father or mother may result directly in juvenile delinquency.

As the home and the family are the two most vital institutions in human society, no sentence should ever be imposed in a criminal court without determining whether a family may be involved, and without a comparative consideration of its terrible consequences not alone to the individual criminal but to his home, his family, his children, and to the society of which they are a part. It is to be hoped that the ruthless procedure of former years, in which persons were sentenced to death or to the penitentiary without the slightest inquiry as to the effect upon home and family, followed by an equally ruthless disregard for the welfare of wife, mother and children, is definitely a thing of the past, at least so far as accepted theory is concerned. That the practice still permits of such ruthlessness is inescapable in view of the slaughterhouse method—one case every three minutes—still used by many of the inferior criminal courts in this country.

Without giving other examples, it is easily apparent that successful administration of probation in the criminal courts requires understanding upon the part of the entire participating personnel of the nature and purpose of probation in its broadest aspects; for probation, as an adjunct of criminal law administration, is merely an application of a concept which roots deeply in human conduct and experience. In Webster's Unabridged Dictionary, one of

1. Acts of June 11, 1932, 47 Stat. 301, and June 16, 1938, 52 Stat. 764.  
18 U.S.C.A.



the meanings of *probation* is as follows: "3. Any proceeding designed to ascertain truth, to determine character, qualification, etc.; examination; trial, or a period of trial, as, to engage a person on *probation*." An example of this use of the word probation is found in the federal law governing foreign service,<sup>1</sup> where it is provided that "Appointments to the position of foreign service officer shall be made after examination and a suitable period of probation in an unclassified grade or, after five years of continuous service in the Department of State, by transfer therefrom . . ." And the word is used in the federal law governing civil service, which requires that "There shall be a period of probation before any absolute appointment or employment . . ." is made. This of course is subject to the general exception, "as nearly as the conditions of good administration will warrant . . ."<sup>2</sup> Thus we have the anomalous situation that where probation officers come within the civil service law they may themselves be on probation. Similarly it has been held, under the New York civil service law, that a police commissioner "was authorized to investigate the past record of a probationer and refused to retain him upon the expiration of the probationary appointment because of his record, though he properly performed his duties during the probationary period . . ."<sup>3</sup>

### *Misconceptions about Probation*

Unfortunately, the broader aspects of the word and the deeper significance of the process of ascertaining truth which is implicit in its definition are unknown to many people. They think of it in terms of punishment or as clemency granted by an indulgent judge, perhaps be-

1. 43 Stat. 141, 22 U.S.C.A., sec. 5

2. 22 Stat. 403, 5 U.S.C.A., secs. 633 (2)-4

3. *People ex rel. Walter v. Woods*, 168 App. Div. 3, 153 N.Y.S. 872

cause of political pressure. Unfortunately, some judges suffer from similar misconceptions.

Indeed, one of the great weaknesses of the administration of probation in the criminal courts is the fact that in some places those charged with its administration are untrained in the underlying philosophy of probation, and uninterested in the objectives sought by those who are acquainted with its philosophy. This lack of training and of interest develops a feeling of hostility toward probation administrators which prevents effective administration and defeats in large measure the possibilities inherent in probation as an adjunct of criminal law administration. In fact, the administration of probation is cluttered with half truths and clichés, which frequently impede, although they sometimes help, in the achievement of its objectives. One of these, variously stated and frequently made, is that an offender, especially a first offender, is "entitled to another chance." This idea undoubtedly has value in securing emotional support of a probation program, because a great many people approach the whole problem of criminal law administration in terms of such extremes as, on the one hand, a desire for vengeance and, on the other, extreme sympathy for the underdog, or perhaps a mother love complex. We may as well freely confess that a good deal of the support for the juvenile court movement, as well as for probation and parole laws, has come as the result of this type of emotional response. If it has value for such purposes let us recognize it, but confine it to its proper sphere. If such emotions run wild in the field of administration, they can only discredit those who are engaged in probation administration as well as the law itself. So far as probation administration is concerned—so far as concerns the granting of probation, the treatment of the offender on probation, and the determination whether he shall be returned to the court

for punishment—the question of his right to another chance is quite secondary to the primary question whether society will be better off if he is released on probation or placed in custodial care.

It is true that consideration should be given to those elements in a prisoner's case which ordinarily grow into a conclusion, arrived at emotionally, that he should have another chance. Such questions as the attitude of the prisoner, his character, work habits, play habits, family habits, his attitude toward the community, toward the law, and toward the normal attributes of good citizenship, are all vital in determining primarily the probability that society will be benefited by his being released on probation, and secondarily whether he should be given another chance.

What we have here, of course, is a fundamental conflict between two philosophies as to the relationship between man and his government. We are firmly committed in this country to the theory that in the case of a free man his rights as an individual come first. Even in that case there are some limits, as is easily recognized if we consider that he may be subjected to quarantine, his property may be subjected to destruction in time of emergency, and that, generally, he is required to observe the laws. Except for these general limitations, however, our government is based on the theory that the best government is the one which guarantees so far as possible scope for individual initiative and freedom of action.

On the other hand, when a man has violated the law his position is transposed. The welfare of society then comes first and his individual rights second. On no other theory can we justify such punishments as killing and deprivation of liberty. It is not necessary for us to think fearfully of the dangers of regimentation or of totalitarian government when we are working in the field of

criminality. We have been willing to administer regimentation on a very ruthless basis to those who have offended against law in this land of the free and home of the brave. What is more, we have plenty of work to do so far as regimentation and readjustment of life is concerned in taking care properly of those who by committing crime have become public charges.

Increasingly, however, it is safe to say that the administration of probation is coming to be thought of in more scientific terms. Thus, Homer S. Cummings has said: "Probation is a method of discipline and treatment. If probationers are carefully chosen and the supervisory work is performed with intelligence and understanding, we can work miracles in rehabilitation."<sup>1</sup> Haynes, in his textbook on criminology, has referred to it as a type of "community treatment." In Report 9 of the National Commission on Law Observance and Enforcement,<sup>2</sup> probation is defined as "the application of modern, scientific case work to individuals outside institutions." The purpose of probation has been recently described in the Report of the Attorney General's Survey of Release Procedures, Vol. II, page 1, as follows: "As applied by modern courts, probation seeks to accomplish the rehabilitation of persons convicted of crime by returning them to society during a period of supervision, rather than by sending them into the unnatural and all too often socially unhealthful atmosphere of prisons and reformatories." And the method of successful probation is described in the same report as follows: "The successful application of the probation method presupposes an adequate investigation into the facts of the defendant's environment, character and previous record; a wise selection by the court of offenders capable of benefiting by the treatment,

1. *U. S. Attorney General's Survey of Release Procedures* Vol II Probation Department of Justice, 1939, p. 471

2. *Penal Institutions, Probation and Parole* 1931, p. 185

and a zealous but sympathetic prosecution of his duties by the supervisory officer."

When we analyze closely that part of the process which takes place in the criminal courts we find that it is the court personnel which determines the success or failure of probation at this point. This personnel consists, generally speaking, of the judge, the probation officer, and the district attorney. It may include in addition court commissioners and psychiatrists. Defense counsel, police officers and others may also make valuable or destructive contributions to the total result.

The most important figure in the criminal court personnel is, of course, the judge. The granting of probation is an example of judicial discretion in its most benign form. The judge may weigh every conceivable consideration of law and fact and is accountable to no one. Nobody, not even the convicted person if he should wish to refuse probation, can stay the judge.<sup>1</sup> But, unfortunately perhaps for the development of successful probation, the judge has many other things to do. In most jurisdictions the work of the court is of such character that the judge must adjudicate not merely criminal cases but the whole range of civil cases as well. In fact, in some jurisdictions one judge hears criminal, law, equity, probate and juvenile cases as well as special proceedings such as divorces, adoptions and others of similar character. In such jurisdictions the great probability is that the judge will be selected because of his qualifications in other fields than that of criminal law administration. In the larger cities it is possible to secure some specialization by establishing criminal divisions of the court, but generally speaking, even in such cities judges are not selected because of superior qualifications to serve in any particular division. Usually the practice is to assign judges first to one divi-

1. *Cooper v. United States*, 5 Cir., 91 F. (2d) 195, 199

sion of work and then to another. Rarely do we find a judge who is willing to stay for long in a criminal division. The mental and emotional wear and tear of such cases is more than a man without special training in the field can stand. Moreover, the field of criminal law is not regarded as either financially lucrative or socially proper, and most judges who hold office by reason of election (which requires that they look forward to a return to practice) are anxious to keep in touch with the law and equity branches of practice, so that they will be able to make an easy transition back to private professional life.

### *What the Judge Needs*

When we speak of the qualifications of a judge in the criminal courts, therefore, we are forced to speak largely in terms of ideals rather than in terms of qualifications easily attainable. When these ideal qualifications are analyzed, they may be summarized generally under the following heads:

1. An understanding of the substantive, procedural and administrative law governing the administration of criminal justice. This qualification is essential in order that the judge may fit into the official structure of government. Unless he is so qualified his decisions will not stand up; he will be discredited professionally and officially, and consequently will be soon returned to private life. It is true that many new judges have had little experience in the field of criminal law, but the subject of substantive criminal law is required in all law schools so every lawyer has a foundation upon which he can depend, and which can easily be brought down to date. The subject of procedural criminal law is less generally taught in the law schools, and a new judge may easily fall into error, but a few months' experience will give him a sufficient education. Moreover, the field of criminal proce-

ture is a comparatively simple one, easily learned by any lawyer with reasonable qualifications in the law generally. In the field of administrative criminal law, we come to such practices as are involved in the use of probation, and here the educational process is more difficult.

2. The second essential requirement for the judge of the criminal court, if he is successfully to administer probation, is that he shall have an understanding heart. I use the term advisedly. Brilliance in the law, agility in its use, the capacity for relentless pursuit of logical sequences, are not enough. The term "an understanding heart" is the one which was used by Solomon, when, being addressed by God, "Ask what I shall give thee," replied, "Give therefore thy servant an understanding heart to judge thy people, that I may discern between good and bad."<sup>1</sup> It is significant that Solomon did not ask for wisdom—as he is popularly reputed to have done—but for an understanding heart.

3. But the "understanding heart" to which reference has been made requires more than mere knowledge of the law on the one hand, and a kindly, sympathetic disposition on the other. The intellect must be fortified and equipped by a working knowledge of the nature and purpose of probation, its possibilities and limitations, and capacity for sympathy must be fortified and equipped by a practical working knowledge of sociology and psychology or their equivalent. Formal courses in sociology and psychology do not always produce the desired result, while a long life of experience sometimes produces a background of knowledge of human relationships, together with a capacity for tolerance, patience, inquiry, and common sense adjustment of human difficulties, which are far more effective than the unimplemented book learning of the scholar. The ideal, of course, is to be found

1. I Kings 3:9



in the judge who has both training and the capacity for good judgment which comes from practical experience.

A modern judge has expressed the same idea recently. Judge Bolitha J. Laws, who has been presiding in the criminal division of the District Court of the United States for the District of Columbia during the past year, said recently: "It is of great importance that a judge should be learned in the law and should know and understand the decisions which control in his jurisdiction. In the present days when vast and complicated affairs come before our tribunals no individual has the capacity to administer justice without ability and understanding. An unlearned or an uninformed judge will cause litigants to suffer expense and delays incident to appeals to higher courts, or may cause them to suffer loss of a just cause. But a learned judge is not always a good judge. Important and vital as is the jurist who is learned in the law, there is the added need of social mindedness on his part, a sincere interest in people and a desire for their welfare, and a sympathetic concern in the problems of humanity. No great man has lacked these qualities and no judge can succeed without them."

Moreover, in order that a judge may be properly equipped to administer probation he must know the essentials of good probation organization and administration. It is not necessarily evidence of capacity in this field that a judge should place a large number of persons on probation. The vicious old system of suspended sentence was a good example of what such a procedure may mean. It is quite conceivable that the best qualified judge might decline to use probation at all unless the facilities available were adequate to secure the ends for which they are designed. A well qualified judge is in the best possible position to assist in securing proper and adequate probation organization and administration, to explain the needs



of the community in this respect, and to explain the adequacies or inadequacies of the probation service which the community has provided for him to use. Moreover, he is in the best possible position to bring together in harmonious understanding all members of the judicial and administrative personnel charged with probation administration. It is within his power, if he is willing to do so, to assume leadership in the community in bringing together and making most effective use of all the various community resources, proper mobilization of which is essential to effective probation work. For this purpose he must know and speak intimately the language of each of the professional and non-professional groups involved. He should be able to appear in any group and take his part without a feeling either of inferiority or of superiority, recognizing the qualifications and the limitations of each of those with whom he works.

#### *Improving Personnel*

Thus the strategic position occupied by the judge, if that position is occupied by an informed and well trained officer, goes far beyond the criminal courtroom. Both at the time of appointment and thereafter, he can exercise great influence upon the development of the staff and the improvement of administrative methods. In view of the large number of probation officers already in the service and the comparatively low standards still existing in many jurisdictions governing their selection and appointment, "in-service" training provides a highly practicable and desirable method of improving such personnel. To the extent that judges can be informed of conditions and needs, it is easily within their power to secure the establishment of such "in-service" training programs. As was said in the Report of the Attorney General's Survey of Release Procedures:<sup>1</sup> "The development of 'in-service'

1. Vol. II *Probation*, p. 101

training programs for probation personnel is a necessity in view of the limited professional qualification standards proposed and the infrequent application of these standards in practice. The very concept of probation as a professional field, or even approaching the level of a profession, demands that probation service be dynamic and not static. The close relationship of this service to the allied field of social work and to the fields of sociology, psychology, psychiatry, and medicine requires probation officers to be at least aware of developments in these sciences."

While a properly trained and informed judge can vitalize the probation department, an ignorant, untrained one can destroy its effectiveness in large measure. To quote the report of the survey again:<sup>1</sup> "Although inadequately trained probation officers constitute a serious weakness in the administration of criminal justice, not infrequently the fault lies with the courts' use of the probation officer. 'Many courts use him for clerical purposes, others use him in a perfunctory way as a sort of court factotum.'"

As has been pointed out by Charles E. Hughes, Jr., in borderline cases "the actual decision must rest upon an appraisal of the subject's moral character. The basis for such a judgment can only be disclosed by painstaking study."<sup>2</sup> Judicial guesswork based upon the casual contact which a judge makes with a prisoner who pleads guilty in his court, is usually of no greater value than would be that of any layman following an equally casual contact. In fact, the judge who attempts to impose sentence or to determine whether probation should be granted to an accused person on the basis merely of seeing him and hearing him speak is in much the same position as would be a physician who attempted to diagnose

1. *Idem* p. 80

2. "Probation Progress" 1932-33 Yearbook National Probation Association, New York, p. 259

the troubles of a patient by merely seeing him and hearing him speak. An experienced judge and an experienced diagnostician might guess pretty well under such circumstances. But the judge who has available to him investigational facilities comparable to those which the diagnostician uses to determine body temperature, pulse, blood pressure, heart action, urinalysis, is in a much better position to act. All this assumes that the diagnostician is properly trained to read a clinical report, and that the judge is properly trained to read and to use the probation officer's report in anticipation of sentence. Moreover, it assumes in each case that clinical facilities are available for such investigatory purposes. ✓

#### *Presentence Investigation*

It is becoming increasingly apparent, therefore, that presentence investigation, followed by probation, is one of the most vital needs of the criminal courts in the administration of criminal justice. It is usually objected that to make such presentence investigations in all cases would involve tremendous expense. However, in view of the fact that in some of our inferior criminal courts half, or more than half, of the entire time of the court is occupied in handling the cases of habitual criminals who come in over and over again—ten, twenty, one hundred times—it should be apparent that if these misdemeanants are amenable to probationary treatment, enough could be saved in time and cost to provide psychiatric and other clinical investigations and supervisory treatment. It is my own opinion, offered by way of hypothesis without the demonstration which could come only from scientific experiments, that a large percentage of these minor criminals, if released under more or less continuing supervision, could be kept gainfully employed, in reasonably good health, providing for themselves and for their fam- ✓

ilies. The highly individualistic philosophy of life which is involved in turning them loose without supervision, encouragement, or employment, letting them get drunk and into trouble over and over again, then come back into court to be punished is, as applied to persons of such emotional instability, a foolish and futile procedure, highly expensive and unproductive of results so far as protection of society is concerned.

A few intelligent judges working together on this problem could work miracles in securing the necessary legislation to accomplish a complete change in procedure.

The extent to which judges have learned to make use of presentence investigations is indicated in the report of the Attorney General's Survey of Release Procedures:<sup>1</sup> "Thorough presentence investigations are indispensable to effective probation work. Regrettably, this important phase of probation service is nonexistent or performed in a perfunctory fashion in many departments. The centralized county and metropolitan organizations are most advanced in this respect. Of the organizations studied, six centralized county units, four metropolitan departments, four Federal units and a few small urban and rural departments conduct presentence investigations as a matter of routine in all cases." In California the statute requires that before a defendant can be given probation the court must refer the matter to the probation officer for investigation. The same is true in Illinois, while in Michigan the law requires that *felony* offenders must be investigated before sentence is imposed.<sup>2</sup> In New York no one may be placed on probation, nor in felony cases may sentence be suspended, until the report of the probation officer concerning the results of the investigation is filed.<sup>3</sup>

1. Vol. II *Probation* p. 73

2. *Idem* p. 127

3. *Idem* p. 128

*Understanding the Whole Problem*

What has been said of the judge applies in equal measure to others who participate in this work. To the extent that each participant can be trained to have an understanding of the whole problem so that he may work intelligently, tolerantly, patiently with each of the others about him, to that extent will the ideal of successful administration be approximated. On the other hand, to the extent that each such official is ignorant of one branch or other of the whole problem, to that extent will he be fearful; to that extent will he attempt to compensate for his ignorance by being unduly meek and humble in time of crisis or, on the other hand, unduly bellicose and uncooperative. Here again, the judges play a major role in the organization and administration of probation. Probation officers are usually selected by the courts and judges sometimes appoint relatives or friends who need jobs regardless of lack of suitable training and experience for the position.<sup>1</sup>

The well trained probation officer, in the present state of probation administration, has it within his power to make the greatest contribution of all those who work in this field. He is a full time professional worker and unlike the judge, the prosecutor, the psychiatrist, the social worker, he can devote himself entirely to the various phases of probation. His, then, is the opportunity to take that professional leadership which is essential to all professional developments. No amount of legislation, education, prohibition or invocation can take the place of intelligent, purposeful, professional leadership. A probation officer, trained in social work, and at home in law, sociology and psychiatry, blessed with an even temperament, and fortified by actual experience, can mold, de-

1. *Idem* p. 80

velop and advance the cause of probation further than any other person.

Gradually the criminal courts are coming to realize the necessity for psychiatric and other clinical service. In a few courts full time psychiatrists are available; in others an approach is being made on a part time basis. Some day perhaps our people will realize that a criminal court is in fact an emergency hospital, and will insist upon similar facilities and equally well trained personnel. Frankly, today in many of our courts we are still in the stage of witchcraft and bloodletting.

#### *The District Attorney Selects Cases*

What shall we say of the district attorney? Many people think of him solely in his role of prosecutor and unfortunately many times he thinks of himself only in those terms. An equally important function is that of sifting criminal cases and determining in which of them there is sufficient probability of conviction to warrant prosecution. Many people are unable to understand this function even when it is carefully explained to them, and unfortunately some district attorneys fail to understand the role which they are supposed to play in this respect. For such people and for such district attorneys this function of selecting cases is regarded largely as a matter of responding to political and other pressures, or it may be that the policy adopted is that of letting the police carry on the process or of letting the grand jury do it and then entering a *nolle prosequi* in any case in which the evidence fails to materialize. In any event, you may be sure that a large percentage of the cases which are presented to the district attorney never reach the stage of prosecution, and that in the selective process, however it may occur, compromising of criminal cases takes place on a large scale. This may range from the "fixing" of minor traffic

offenses on the one extreme to bribery on the other. In most cases the selective process is intelligently conducted and the district attorney is inspired by much the same motives and in fact uses much the same procedures as do the judge and the probation officer following conviction. In one district attorney's office of my acquaintance a practice has developed over the years in cases involving the failure of husbands to provide for their wives and minor children, of placing the cases "on file," and without either a plea or conviction, imposing upon such erring spouses conditions of conduct, to prevent prosecutions, which are actually complied with in many cases over long periods. In fact, this district attorney's office collects thousands of dollars each year for the maintenance of wives and children in such cases. In other cases more difficult to justify, embezzlers are allowed to go unpunished on condition that they make regular monthly payments in reimbursement of the amount embezzled. In sex cases, especially involving young offenders, it is not unusual to permit marriage and thus avoid prosecution. In all of these cases an extra-legal process of probation is actually taking place, and district attorneys and defense attorneys frequently use probation as a trading coin along with pleas of guilty to lesser offenses, and pleas to one of several offenses as a means of securing on the one hand a plea of guilty and on the other the dismissal of other pending accusations. As one leader of a powerful organization once told me during a heated campaign against a rather notorious incumbent officer, "We like him; he always takes care of our boys."

As a matter of fact, the district attorney should be an understudy of the judge. His training should be equally thorough as to the meaning and purpose of probation; he should be well grounded in the practical aspects of sociology and psychology; he should be well acquainted



with the community resources of social welfare and clinical and other facilities; he should work understandingly and in cooperation with the probation officer. To an increasing extent this is coming to be true. The role of the district attorney is a much more important one in the administration of probation in the criminal courts than is generally realized, and much more emphasis should be placed upon the qualification of these officers for effective participation in probation work than is now done. Moreover, it is highly important that the extra-legal practices so generally used by district attorneys should be brought into the open, tested, and where defensible, integrated into the program of probation administration.

Another important person in criminal courts is the prosecuting witness. A powerful and resentful person may prevent probation in many cases where it should be granted, because of his failure to understand the nature and purpose of probation, just as a powerful and politically minded individual may cause probation to be granted in cases where it should not be. The interest of society should be the first consideration. One industrialist asked me, "What good does it do for our private detectives to catch these fellows if they turn them loose on probation?" Such a question is of little importance in determining whether probation should be granted or refused. The question to be answered is not what good it does the industrialist or his detective force, but how can society be best served in a particular case.

What has been said of the prosecuting witness, the injured person, is equally applicable to the defense attorney. The judge should consider representations made by such attorney just as he does any other part of the record before him, recognizing the possibility of bias and self-interest, but, nevertheless, availing himself of such help as may be forthcoming from this source. It



is to be hoped that with the constant improvement of standards of education and admission to practice, the background of all attorneys will be of such nature as to make the most useful contribution to the administration of probation, but as to this there is little hope at present.

### *Extending Probation*

The critical analysis to which probation and allied release procedures have been subjected during recent years may suggest to some that these procedures have proved to be failures. On the contrary, there has undoubtedly been rapid improvement as well as wide extension of their use. It is highly encouraging when one who has been so continuously close to the field as Charles L. Chute, executive director of the National Probation Association, is able to say as he did say recently, "I believe that in no field of social welfare in this country has there been better and sounder development within the last few years than in probation and parole. The increasing number of surveys and conferences and the enlarged work of national organizations in this field have resulted in greater public discussion and interest. This in turn has resulted in demands in many states for statewide extension and improvement of these services, and has brought such new legislation."

These rapid new developments call for parallel development of trained personnel and tested techniques of procedure if rapid extension of this type of penal treatment is to be made available in response to the undoubted public demand. Leadership in providing these techniques and personnel must come from professional people already in the field familiar with the needs and able to provide direction of practical methods to meet such needs. For indeed the scope and technique of probation have not been definitively worked out even within the under-

standing of the best trained administrators. Should judges or boards of experts grant and revoke probation? Should probation be administered on a state or local basis? Should judges appoint probation officers? These and many similar questions remain to be answered. An intriguing possibility is that the method of probation might be extended to cases of accused persons in advance of and without requiring either conviction or plea of guilty. An interesting new California law<sup>1</sup> providing for a "children's court of conciliation" makes available a procedure of conciliation in domestic relations cases which closely resembles probation administration and expressly provides for the participation therein of the county probation departments of that state. No criminal offense is involved and no criminal brand required before the probationary process of truth finding and readjustment can be applied.

For another example consider the question whether, as a part of the probation treatment, a prisoner should be incarcerated for a few days in a jail. This experiment is being tried in a few jurisdictions. Situations can be imagined in which a little taste of jail life might have a very salutary effect, as in the case of a young smart-aleck offender, a sadly spoiled mamma's boy with no sense of responsibility, and without understanding or appreciation of the importance of disciplined living. He has acquired, perhaps without realizing it, a fastidious liking for cleanliness, attractive clothing, good food, comfortable physical surroundings, and intelligent, attractive companions. The recalcitrancy of such a young person might be materially subdued by a few days in the foul bull-pen of the typical county jail. He would be soon smothered by the malodorous atmosphere in which a powerful disinfectant was struggling to overcome a brood of nauseating

1. Title XIa, Part III Cal. Code of Civil Procedure, secs. 1730-1772

stenches. His stomach would revolt at the unsavory food; his mind at the unsavory companions; and his whole body at the vermin-infested environment from which he could not escape. Strong medicine you say? Perhaps so; I do not recommend it; I merely suggest it for consideration and experimental purposes.

By way of contrast let me suggest to you that incarceration under such circumstances might prove to have no disciplinary effect at all. The warmth, idleness and regular meals provide a richer life than that enjoyed, outside, by many of the poor devils who commit crime and go to jail as a matter of course. In severe winter weather we know that men even commit minor offenses in order to be incarcerated. The important point is that the value of incarceration or of probationary treatment cannot be determined solely upon a theoretical basis, or upon the experience of those who have never seen life in its cruder forms. The judge who administers a law which permits incarceration as a part of the process of probationary treatment should have some information—vicarious at least—about such matters, as should the probation officer who recommends it. Fortunately, the prospects are good for the satisfactory answering of these important questions. There is no doubt that the number of judges who are acquainted with the values and methods of good probation is increasing.

In the same address to which I have previously referred,<sup>1</sup> Mr. Chute informs us that the number of probation officers throughout the country is steadily increasing and his office estimates that there are approximately 5000 regularly appointed probation officers in the country today. This is certainly a fine nucleus for a new professional group. It needs only to become pro-

1. "Probation Today and Tomorrow," Charles L. Chute, Executive Director, National Probation Association (an address delivered at the California Probation Officers Association, Oakland, California, May 13, 1939)

fessionally conscious of its own existence to step forward in a program for the improvement of standards and of performance in the field of probation administration. Mr. Chute states further that the average salary now paid to probation officers throughout the country is over \$2000 for rank and file full time officers. This is a higher average earning than that of the profession of law, although, of course, the extreme maximum incomes of the legal profession are not realized by probation officers, and is sufficient to show that a solid and substantial professional basis has been established for the workers in this field.

At a time when war and rumors of war distract our attention from considerations of domestic economy the improvement of such procedures as the administration of criminal justice is apt to be sadly neglected. It is with pardonable pride, therefore, that we note the tenacious existence and vigorous activity of such organizations as the National Probation Association. Through the years it has carried on. From time to time we see episodic events such as the study which was carried on by the Wickersham Commission. One of the most encouraging developments of recent years was the program of the Prison Industries Reorganization Administration. As you all know, the National Probation Association furnished to that administration the services of Francis H. Hiller. Now that it has practically discontinued its activities there is very great need to continue this survey and educational work begun by that administration and in which Mr. Hiller has been expertly engaged for many years. Then we may note Attorney General Cummings' Conference on Crime; the long-dormant efforts of the American Law Institute to devise a code covering the entire field of administration of justice; the more recent survey of release procedures carried on under the direction

of Attorney General Cummings with funds provided by the Works Progress Administration; Attorney General Murphy's National Conference on Parole; state and local crime surveys; work in the field of interstate probation compacts directed by the Interstate Commission on Crime. These valuable but ephemeral campaigns are short lived, here for a time and then gone again; but the National Probation Association is always under way, with full steam up and ever increasing effectiveness in developing a nationwide program of probation. It merits the hearty support of everyone interested in this subject.



## The State, the Courts and Probation

WILLIAM M. MALTBY

*Chief Justice, Supreme Court of Errors, Connecticut*

✓ **P**ROBATION does not go to the heart of the problem of crime and delinquency. It cannot, in the large, deal with those causes rooted deep in our social structure out of which come most crime and delinquency, but it is the earliest direct attack which can be made by the state upon the problems presented by those who violate the rules of society, and it is the best method of attack which has yet been devised. Many professional people are prone to isolate too much of their own field of activity, to feel that their methods of dealing with a problem are, if not the only ones, at least by far the most effective. I think sometimes that probation, in its interest in the particular offender, forgets one of its great objectives, the prevention of crime, and that, to best serve its purpose, it must freely cooperate with all other social agencies seeking to ameliorate those conditions out of which crime and delinquency come. At any rate, proper probation, working by itself if it must or in cooperation with other social agencies when it can, serves not only the high purpose of turning back from a criminal career many a man and woman, boy and girl, but is truly a preventive of crime. That is coming more and more to be realized, and there is no need longer to dwell upon it.

✓ Upon that premise, then, I come to the particular matter of probation established as a centralized state agency. I am convinced that only by such a system can you have an adequate and proper probation service. One great bane of probation in my state, as no doubt it is in many another state, is dependence of probation upon political activity.

Whenever the appointment of probation officers is regarded as a reward for political service rendered, whenever continuance in office depends upon the rendition of political service or is limited to the period when a particular political party is dominant, however able and disinterested some probation officers may be, the system is bound to include many persons who at best have not the training, experience and natural aptitude to fit them for one of the most important of public offices, and at worst are mere time-servers and political henchmen. Under such a system you are bound to have a service more or less permeated with favoritism, a service with which the other great social agencies will hesitate freely to co-operate and you are bound to have a continually changing personnel, with little or no regard often paid to service well and faithfully performed. Just as long as the selection of probation officers is left to the untrammelled control of local courts or local authorities, who themselves are dependent for continuance in office upon the will of a political machine or the victory in election of a particular party, as is the case in many if not most of the states of the Union, probation will inevitably suffer from a most serious handicap. I doubt very much whether there can be much assurance, if the administration of probation is left to local governmental agencies, that they will adopt a method of selecting probation officers which will result in the choice of qualified personnel and continue in office those who have proved themselves by their successful conduct of the office. That is to a considerable extent the situation we confront in my own state, and I do not think we are unique in that regard.

#### *Civil Service*

It is inherent in any system of adequate probation that probation officers shall be selected upon a civil service

basis. But do not mistake me; I do not mean by that upon the basis solely, or perhaps principally, of written examinations. There are two serious defects in civil service which those who sometimes lose a bit of perspective in their advocacy of a sound cause are prone to forget. One is germane to my topic. In any position in which the personality of the holder of a public office is an important factor in its successful administration—and certainly there are few public offices where that is more true than in the case of probation officers—any method of selection which does not make this an element weighing heavily in the scales must fail to achieve the full measure of success in serving the public interest. But a method of selection which does reasonably well take account of this personality element can be worked out in accord with civil service principles and due weight can be given to the training, experience and proven aptitude of the candidates.

When you examine the draft of the model act for parole and probation prepared by a committee of the National Probation Association, you will see that provision is made for the selection of probation officers upon this basis. I am frank to say to you that at one time I was inclined to question the feasibility of the selection of probation officers by such civil service methods, but I have become convinced not only that it can be done successfully but that selection upon such a basis is the best way to achieve the result desired, an assurance of proper qualification for the office.

### *Directing a State Service*

Beyond freeing the probation service from any dependence upon political considerations, and the assurance of a qualified personnel, there are many other advantages in a state system. It is of very great value that there should be continuing direction and control of the service by a



qualified board or director; that there should be coordination and systemization of effort, a training service for probation officers, and a central office for the maintenance and interchange of records. A central probation office not only saves much time and effort for individual probation officers, but furnishes authentic and complete records of the way in which probation is operated in a state. It is a valuable check upon the service, discloses mistakes in administration, and affords the best basis for determining the direction in which progress should be made.

The committee who drafted the model states that it may, and no doubt usually will, require modification in certain respects to fit the needs or desires of different states. In Connecticut, for instance, we could accomplish the same results by a much simpler law, but our General Assembly has been in continuous operation only for a little more than three hundred years and has much to learn in the field of adequate statutory enactments. In fact the law we advocate was written, single-spaced, upon one legal cap page and went further than does the model law in its provisions for the appointment and protection of qualified officers. However, the model act is a very fine piece of work and whenever a statewide system of parole and probation or either is under consideration, it should be given the most careful attention.

We in our state believe in a state probation system, administered by a state board which has the appointment of all probation officers for all the courts of the state and which is required to appoint them from a list of applicants prepared upon the basis of civil service requirements; a system under which probation officers are secure in tenure of office under civil service principles. That there is merit in a probation service organized along these lines seems to me proved by the fact that it was possible to convince the leaders of a Yankee legislature that this

was a desirable state agency to establish if only the necessary funds could be secured. Upon the basis, then, that those who are interested in probation in some of the other states may feel that we were right, I am going to discuss with you very frankly some of the difficulties which we have had to face and some of the means which may be used to overcome them.

### *Connecticut's Experience*

There were, and I think there usually would be found in any attempt to put into effect such a state system, three main forces of opposition to overcome, forces which are, however, closely interrelated; and these I think I may properly refer to as the political, the financial, and the uninformed. As long as the probation officer serves as a cog in the political machine and the appointment to the office is regarded as a reward for political service, any attempt to remove the selection of probation officers from the field of politics will meet with opposition from some politicians. But in this connection let me say to the honor of the probation officers in my state, that while in the selection and continuance in office of many of them no doubt political considerations played a large part, not one of them raised his voice in opposition to our plan, and I venture the statement that political opposition will be found to emanate mostly from local political leaders. Undoubtedly the broader vision of the party chiefs today has shown them that allegiance to a particular political party is by no means as powerful a force as it once was, and that a sound and forward-looking administration of state government is the strongest appeal a political party can make to a large and often controlling element among the voters. Perhaps you see this nowhere so clearly as in the frequency with which political platforms advocate the establishment, maintenance or improvement of civil ser-

vice. To this service a proper state probation system is necessarily allied. If you can interest a sufficient number of influential citizens in and out of politics in probation, political opposition to a state system can be largely minimized. The higher the position of a leader in the political hierarchy whom you can satisfy, not only of the wisdom but of the political advantage of favoring a state probation system, the greater is the chance of success in ultimately establishing it. You should therefore reach for the stars.

Opposition to the establishment of a state system of probation founded upon the cost to the state stands upon a different ground and one which requires serious consideration. In these days when the expenses of government, national, state and local, are increasing at such a tremendous rate, there can be no doubt that every new state service should be scrutinized with care, and there can be nothing except respect for those who sincerely oppose it upon the ground that a state cannot with due regard to its financial strength afford it. Here we who advocate a state system of probation are at a disadvantage. If into the scale could be thrown all that reduction in social, moral and economic wastage to the individual criminal or delinquent, to his family, and to society as a whole, there could be no question that a probation service, well organized and conducted, would outweigh the cost to the state. Unfortunately, however, many of these things are imponderable, and when you are dealing with a matter of fact legislator or a legislative committee, such considerations usually serve hardly more than as a makeweight. You must seek a basis for argument reasonably measurable in cold dollars.

The point of attack is the expense which is cast upon the state in the maintenance of those who are committed to its institutions for crime or delinquency, and the prob-

lem is to show how, by a proper and adequate service, through the reduction in the number of those committed, the expense of maintaining these institutions can be lessened. The factors which enter into the problem necessarily would vary in different states and the diverse implications might well puzzle the qualified statistician. Let me tell you some of the ways in which we met the problem. We had the statements of men thoroughly qualified by experience, such men, for instance, as Commissioner Mulrooney of New York, that proper and adequate probation service would very substantially reduce the number of persons committed to state institutions. Then we had the very complete figures of the Census Bureau as regards commitments to prisons and penitentiaries which, as of the census of 1933, showed that on an average throughout the country 74.4 persons out of every hundred thousand were committed to such institutions, while in two states having an effective probation system—New York and Massachusetts—the number committed to such institutions was respectively 29.5 and 30.2, which you see was considerably less than one-half the national average.

We had also some unique figures as to those committed to jail, who I understand are not included in the Census Bureau figures. We have had in existence for some years, under the Connecticut Prison Association, a statewide effort for the rehabilitation of those who are discharged from jail, and we could show figures which, even to those of us fairly familiar with the character of our jails and jail inmates, are most remarkable as regards the possible reduction in recidivism among those committed to jail.

Then we took two states lying side by side, Massachusetts and Connecticut, similar as regards composition of their populations and their social structure, Massachusetts having a probation system the successful operation of which I think is generally conceded, and Connecticut

relying for its probation service largely upon local courts with a service considerably affected by political considerations, many of the probation officers not qualified for the positions they hold. The whole probation system in my state lacks general coordination or control. Making an allowance for the difference in population and assuming that in Connecticut probation was as well operated as in Massachusetts, it could confidently be stated that considerably more than twice as many persons would have been placed on probation and a decrease somewhat in the same proportion in the number of those committed to institutions would have resulted, a decrease which, even in as small a state as Connecticut, would have amounted in all probability to some five to seven thousand persons.

We emphasized the fact that, if the state took over the probation service, the local communities embracing all our cities and boroughs and many of our towns would be freed from the cost to which they are now put in the maintenance of their own local systems of probation, a proper offset against the expense to the state by reason of the adoption of a state system. We showed the large sums which were collected through probation service for the dependents of those who had violated the law, and pointed out that, if we could extend this service to more men who otherwise would go to jail, we should save the state and local governments a substantial amount now spent by them for the support of the families of those in prison. These various matters I mention merely to show that opposition upon the ground of added cost to the state can be met in such a way as reasonably to satisfy a person who looks at probation from the cold standpoint of financial cost. At least in Connecticut we were able to do that, and if you can convince a Connecticut legislature that a dollar of the state's money should be spent for such a purpose as probation, it is reasonable to assume

that the legislature of any other state in the Union can also be convinced.

### *Public Indifference*

The third great obstacle in the way of securing adoption of a state probation service, the one which is beyond question most fundamental but on the other hand the one which is most easily attacked, is the indifference of the average citizen. I say that it is the most fundamental, because if in any state you can get an aroused public interest in a particular cause, political opposition will crumble and the approach to the financial question will not be hostilely critical but will be upon the ground of a friendly weighing of cost against advantage. We have to admit that the average citizen is not particularly interested in the methods of dealing with delinquents and criminals. As he looks at it the problems they present do not touch his life. He forgets that not only are delinquency and crime an ever-present threat to his own security of person and property, and that of those near and dear to him, but that they are a staggering burden which rests upon him as a taxpayer and in all his business and community life. To borrow a term from business, there is in this public indifference a strong "sales resistance" which must be overcome. Changing inertia to interest cannot ordinarily be done in a brief period of time; you cannot wait until the eve of a legislative session and expect to accomplish anything. Indeed, it may take years of effort, during which a gradual accumulation of public interest can be built up.

It is my conviction, from a rather close observation of the legislative process in my own state over a period of more than twenty-five years, that such a cause as probation comes to its triumph over a definite course of progress, a triumph which, if the cause is sound and its advo-

cates unwearying, is sure. It is at first hardly accorded a cursory consideration, but as legislature succeeds legislature more and more attention is given to it, and then suddenly it is enacted into law and everyone cries, "Why in the world did we not do that years ago?" One of the first requisites for those who are interested in bringing about a reform in the field of legislation is patience, accompanied by a persistent effort to arouse public interest and a continual searching for opportunities to stir public opinion.

It is usually not difficult to enlist the support of the churches, not forgetting the little churches in the country and in the less densely populated portions of the state, and particularly of the great Catholic church which we have found always awake to the value of any sound effort to improve social conditions and ready to cooperate to the fullest extent. The press of course is an agency which must not be overlooked; but again, do not place your whole reliance upon the great metropolitan dailies. The newspapers published in the country, in small towns and cities, are more closely read, and such a cause as this finds more response among their readers than among those who casually peruse the great dailies. The women's clubs, headed by the state federation, are always ready to listen to any worthwhile plan to ameliorate the unhappy condition of any part of suffering humanity. The Grange too is a great force in the country districts, whence come many of the legislators, and it is always open to those who advocate such a cause. And not least among the aids which should be sought are the luncheon clubs, Rotary, Kiwanis, and the rest, in which are gathered so many of the businessmen of a community, open to conviction but at times keen in their questionings and requiring careful preparation on the part of him who seeks to convince them of the soundness of the cause he advocates. These



are the principal forces in the creation of public sentiment we in Connecticut have found most effective. There are of course others, but these may perhaps be taken as examples.

### *The Judicial Viewpoint*

Now let me enter upon a topic with which probably most of you would hesitate frankly to deal, the attitude of the judiciary toward probation. Let me quote two brief passages from the summary in the recent and very valuable Survey of Release Procedures made under the direction of the Attorney General of the United States: "The fact should not be overlooked that proposals for changes in the criminal law machinery which do not meet with the favor of the bench and bar, especially with those judges and lawyers affected by the changes, are often doomed to failure. Therefore any program seeking to improve the administration of parole and probation should take into account especially the views and attitudes of the criminal court judges." And again: "The findings of this survey lent support to the view that much educational work needs to be done among the judges of the country in making more clear the functions which good parole and probation work should and could perform in controlling and rehabilitating those convicted of crime. Although the number of judges who confessed a complete disapproval of parole and probation was small, there were many who proclaimed a sympathy for the principles of parole and probation but who demonstrate in their sentencing practices that they do not understand fully the aims and objectives of either parole or probation."

I do not question the correctness of both of these statements but I am inclined to think that the latter is perhaps truer than the former. There are numerous causes for the lack of understanding of the purpose and value of



probation on the part of the judges, but the chief, I think, is this: too many of our judges do not take the time and effort to develop a philosophy which may serve as a background for their administration of the criminal law, a philosophy which comprehends society's efforts to deal with one of its most difficult problems, and seeks the proper way in which that most archaic structure, the court of law, may function. No man is fit to sit upon the bench of a criminal court who has not the desire and who will not find the time to do that. My own conviction is that the proper administration of the criminal law is as much more important than the determination of civil rights as personal liberty and human relationships are more important than property rights. I cannot conceive how any man can have the hardihood to pass judgment upon his fellows, knowing that it lies with him to make or break their lives, to give hope or bring suffering to those who, themselves innocent of wrongdoing, must be deeply affected by their relationship to the criminal or delinquent, without giving of the best that lies within him in the effort to understand the ultimate purposes which should determine his course and to master the means which he may employ. To my sorrow I have to admit that too many of our judges do not do this.

Fortunately there are on almost every bench judges who do understand and acknowledge the value of probation. Those interested in a better probation service can usually make contact with them and enlist their interest. Undoubtedly, too, any probation system with officers in whose ability and disinterestedness the judges have confidence would do much to develop a receptive attitude toward a statewide service.

I congratulate the National Probation Association that it is able to bring about each year such a gathering as this, but more I congratulate it upon the splendid work it

has done and is doing in helping to build up probation throughout the country. The Association fully deserves the encomium pronounced upon it in the Attorney General's Survey to which I have referred. You by attendance at this conference have given tangible expression of your real interest in a proper probation service; the manifestation of that interest cannot but encourage all who are directly concerned in the work of probation and the improvement of its methods.

You who are actively engaged in that work have a difficult and at times a trying task; often there is heartbreak in it. Yet you should never for a moment forget that however quietly you must work and however little of public approbation you can hope to gain, yours is a great work. What finer thing can a man or woman do than to give of his or her best in the effort to prevent the wrecking of human lives or the sundering of families, to replace anxiety and suffering with the quiet joy of a confident future, to fill the desolate soul with the light of hope? What finer public service can there be than to aid in lessening the moral, social and economic wastage to society, which is the inevitable concomitant of delinquency and crime? You have your failures, but there is not one among you who has not the heart-warming memory of some incident where success attended upon your efforts, and even in the moment of discouragement you should remember that one such incident far, far outweighs many an occasion when your efforts have been in vain.



## Some Criteria of an Effective Parole System

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"PROBATION," said Joanna Colcord, "is simply case work with the added 'punch' of the law behind it." Parole, say some, is simply case work with the padded paunch of the politician behind it. That is one of the reasons why parole has been so severely criticized. But when parole has been taken to task for its inefficiency, its ineffectiveness, its political domination, its haphazardness, the critics have had in mind particular situations, specific jurisdiction. Thereby hangs a tale.

Very few students of the social process are opposed to the concept of parole. Almost everyone is ready to attest his faith in the philosophy underlying it, the reasons for its existence as a social experiment, but we become confused by failing to differentiate between theory and practice. We know that parole is very poorly administered in a given state and that fact colors all of our judgments, and before we know it we are saying, "Parole is a failure." We thus confuse theory and practice; we admire the theory but abhor the practice here or there, and before long we think we have no use for the theory.

Even a superficial observer of social phenomena, a person from whom we used to hear a great deal concerning parole, J. Edgar Hoover, has said in a book which bears his name, "The theory of parole is fine and uplifting. I subscribe to it . . . Parole has been a success where it has been done carefully." This same person excoriates parole in general in terms which seem to indicate a desire to damn the entire philosophy.

Let us therefore be clear first of all on this point. We must begin to differentiate as between one parole system and another, to be able to say "This is good parole administration," or "This is bad administration." We cannot praise or damn all parole administration indiscriminately. Let us recognize that there are no two states operating exactly alike, and that it is necessary to study each parole organization separately before we may comment upon it intelligently.

If we accept the concept of parole and want its administration to be effective in the individual states, what can we set up as criteria for the acceptable system? First, there are handicaps to be overcome. These stem from two sources: the public and parole itself. In the former category are such factors as public apathy, and worse, public misunderstanding. A public unconcerned about the parole problem will battle neither for effective administration nor against poor practice. A public which is misinformed is even worse, for it acts through bias and subjective judgments.

Handicaps operative within parole itself may be classified under two headings, parole inefficiencies and parole evils. Here, it will be seen, I differentiate between mere ineffectiveness due to faulty organization and practice, and failures due to corruption and dishonesty. To what extent these handicaps exist within parole systems over the country I am not the person to say, but that they do exist in places we know, and that they must be removed before our parole systems can work, we are certain. Parole, to continue existence and to justify such existence, must be geared to public need. In other words: (1) the public must understand what parole really can be like; (2) it must express a need for it; (3) parole operation must meet that need effectively, efficiently, honestly. The parole philosophy and program will grow and develop if

parole administrations clean house. By what criteria shall we be guided?

*Effective Parole Requires a Satisfactory Law*

Basic to all parole practice it would seem is a workable, air-tight, foolproof parole law. It must be detailed enough to protect the public as far as possible against abuse by poor administrators, and general enough to vest broad powers in the paroling agency so that it may operate with sufficient authority, with "punch of the law behind it." The public fears premature and ill-considered paroling. Let the law specify the minimum period an inmate must serve before becoming eligible for consideration. Let it prescribe in general terms what factors shall be considered in acting on a case. The public decries slipshod practices by incompetent parole workers. Let the law prescribe that employees shall be selected on a merit basis; let it outline the general background desired. For instance, it is my unhesitating opinion that the parole officer should be a competently trained and educated case worker with a practical, realistic, sensible outlook on life. At our present stage of development, with our current knowledge of behavior, it seems to me we are prepared to say *in our law* that parole is a case work function "with the added punch of the law." It is not a function of politics, of high pressure salesmanship, or of detective work.

The parole law needs to define very clearly and unequivocally where the parole board's powers begin and end. What are its powers in retaking parole violators? What are its functions in the "peace officer" classification? What rights does the inmate have toward consideration for parole? To what extent shall parole board decisions be reviewable by the courts?

And the parole law's Siamese twin is an indeterminate sentence law. These vary among the states, it is true, but

some form of the indeterminate sentence is requisite to intelligent parole functioning.

*Good Parole Implies a Capable Parole Board*

But no law is any better than the people who administer it. A well set up parole system deserves a capable parole board composed of men of vision and broad experience in life. A parole board's business is dealing in man's most precious heritages, his liberty and his ethic or rule of life.

Parole board members should be selected because of their interest and ability in the fascinating problem of remotivating and readjusting social attitudes of offenders. It goes without saying that they should be intelligent, courageous, even inspiring men (or women) who have no axes to grind, no political logs to roll, and no pork barrel which they are interested in sampling. Their imaginations should permit them to allow experimentation in newly developing techniques. They should be skilful administrators or progressive enough to allow the subordinate administrator to function effectively. They should be men who recognize their responsibility not only to the parolee but to the state. Am I painting a picture of inhabitants of the Never Never Land? Not at all. Such board members are all about us. Others can easily be added to the roster.

*A Logical Organizational Setup is a Prerequisite*

The board is only the head, the guiding force of the parole agency. Its work needs to be carried out by an organization. That organization needs to be efficiently set up. When we speak of a logical setup we get into deep water. What works under one set of circumstances does not under another. One needs therefore to keep in

mind the specific local conditions within any area but, barring exceptions, it is safe to say that centralization of the paroling function of all similar institutions is desirable; also, that the parole agency should be characterized by good business practices in the interest of efficiency, proper delineation of the respective functions of all employees, adequate training and supervision of staff, satisfactory record systems, and a well defined channel of responsibility from the subordinate employee to his supervisor and so on up to the board, the final authority.

### *The Staff Should Be Adequate*

This of course leads to another criterion: the adequacy of the staff from a qualitative standpoint. Parole officers should be highly trained specialists in their field, people of high ethical standards, of well integrated and warm, understanding personalities. The parole officer must be practical. His qualities should include a high degree of intelligence and sensitivity to human situations. He must be sensible, well balanced, and a trained man. Now in this connection I recall what Don Marquis said in *The Almost Perfect State*, that "any scholar knows thousands of facts, but the prophet must choose just the right ones and lay them end to end." In other words, it is not enough to be merely a scholar; one must possess the almost intuitive fire of the healer of souls who knows how to relate his knowledge to the needs of people. But one *must* have knowledge. And the parole officer's knowledge is secured from the social sciences. He is, in fact, a social scientist who, ideally, has studied the social process, the meaning of culture, the makeup of man, the mainsprings of behavior. In short, he should be a well trained case worker.

Of course I realize that all case workers are not *ipso*



*facto* good scientists and expert humans and, conversely, that many an untrained human can, under good supervision on the job and with wide enough experience, become a highly satisfactory case worker. I say only that the work requires case workers, people who understand and are skilled in the techniques of dealing with people. I call them case workers, no matter on what anvil they were forged.

But an excellent case worker who must perforce handle a hundred parolees becomes a diluted worker who wastes his fragrance on the desert air. So we arrive at another criterion: How adequate is the staff quantitatively? To do as satisfactory a piece of work as we can with existing knowledge of human behavior requires a staff sufficient in number to deal as intensively and intelligently as necessary with each individual. It is the old story of implementing our program properly. We have outlined rather convincingly what we want to do. Now let us get the tools. We require enough workers to operate with case loads sufficiently low for reasonable study and treatment of our cases. How pathetic is the sight of the agency well motivated, honest, intelligent, but crippled by lack of staff. Case loads of 100, 200, even 300 and more are not unheard of. We delude ourselves if we believe we can do parole work under such conditions. The parole board member, the administrator, knows this only too well. He wants desperately to raise the level of achievement of his agency by putting more men to work at its problems. All too often he fights against desperate odds, and in fact it speaks amazingly well for the courage and faith of parole workers that they dash themselves daily against the obstacles with renewed fire and energy when they know they need a larger army to break the barricade.

The time will come when it will be recognized that with



a thoroughly capable staff, able to do parole case work, it is necessary to have case loads that reach no higher than a maximum of 40 active parolees. That time of course is very far off.

### *Case Work Orientation an Essential*

With a qualified staff and a large enough one we are prepared to ask how an efficient parole system goes about its work. I believe sincerely that the best criterion by which we can be guided here is: Does the organization have a case work orientation? There was a period when parole was largely surveillance. Then it developed some emphasis upon such concrete auxiliary service as job furnishing. There came a time when parole officers were expected to be human and humane, to exercise sympathy and common sense, to "get to know the parolee," to "establish rapport," to "gain the parolee's confidence." Then what? What to do about it after these have been achieved? How to utilize the "background information" for treatment purposes? How to treat?

Thus developed the conviction that parole is a type of case work; that we should accomplish the above by as scientific a procedure as possible; that the development of techniques of treatment requires more than a desire to serve; it demands disciplined minds equipped with specific knowledge, enabling the worker to utilize particular skills, making of parole work a combined art and science, a craft—the social work craft.

Today, more and more we find an acceptance of the thesis that parole is case work; that case work is treatment. This gives pertinence, meaning, to the movements we have made in the past, the collection of information, the building up of a client-worker relationship. Now we know all this is for purposes of treatment. Treatment in

case work at large falls very roughly into two categories. Executive-manipulative treatment is the older, the easing of immediate tensions by specific services such as medical care, employment placement, relief. In the other category we find treatment on the emotional, the psychiatric level, dependent upon the relationship which can be established between client and worker. Here the aim is personality growth, change of attitude, emotional equilibrium.

In parole we have gone an appreciable distance in developing our executive-manipulative case work function. We shall, as time goes on, practice the other as well. We experiment with it now. We accept as an aim of parole the reintegration of the personality of the individual so that he may function stably and socially in a normal environment.

So, no matter how highly developed our case work is or is not in a particular state, no matter even whether we ourselves recognize it as case work, we are doing case work, and our one justification for existence in place of a purely surveillance agency is that we are performing this additional service which has as its goal the individualized treatment of parolees.

I wave no flag for case work as a panacea. Moreover, it may well be that in not so many years from now more efficacious techniques may be produced. Perhaps case work will be supplanted by some other process. I say only that today, although we are humble over our incomplete knowledge, we believe case work to be as effective a tool as has been devised for the understanding of people and the treatment of their ills.

Parole supervision must mean something to those who evaluate parole, else parole will not long continue. "Parole supervision" incidentally strikes me as a misnomer, leading one to the inference that surveillance, watchfulness, discipline alone are the goals. Parole su-

pervision must begin to mean not only surveillance but effective treatment.

*Demonstrated Results of Treatment an  
Important Criterion*

A basic criterion in determining whether a parole system functions properly is: Are treatment results noticeable, and do they justify the effort and money expended?

Parole treatment that means something must accomplish two things. Within the present limitations of case work practice it must help produce changes in people so that they become more acceptable to themselves and hence to their communities, and it must protect the community against the potential recidivist.

Good parole will eventually be asked to demonstrate that it accomplishes at least what any good case work agency can in the matter of changing social attitudes and aiding in personal-social adjustment of parolees. It must *treat* and the results must be evident.

And good parole must protect society. We may as well here and now admit to ourselves and other people that no body of human beings will operate with 100 per cent efficiency in the selection of inmates for parole. There will always be some releases for which we shall later be sorry, but we need not say, as a result, that it was a mistake to release certain men. The mistake may have been made by society in its treatment of the parolee after his release.

And we may as well confess to ourselves and others that we shall not, with society's present knowledge of behavior, be able to predict ten minutes in advance precisely what our parolees will do. We can prognosticate something from the general behavior pattern of the individual parolee, but it is absurd to assume that we or

anyone else on earth will know in advance that Johnny Jones is going to pull a stick-up at 10:45 next Tuesday.

For this reason, because behavior is still only relatively predictable, we must as a parole agency fulfill our second treatment function, protection of society, as well as possible. Good case work implies a fairly satisfactory evaluation of each individual with whom we deal. Good case work, therefore, should mean that it is possible *at times* to detect danger signals, to follow up clues and suspicions, and to remove from the community those parolees who give evidence of potentially antisocial activity.

I fail to see any real dichotomy here. It is not true, as some would have it, that this means we do police work *and* case work. Good case work means intelligent enough service to enable us to investigate properly and to determine when our case work efforts should be brought to a halt by revocation of parole.

#### *Preparation for Parole is Basic*

Thus far, the criteria I have advanced have dealt principally with parole supervision, but reliable parole practice is dependent on factors operative long before the release date.

Ideally, a criterion of effective parole is whether or not there is proper preparation for the release date. Parole really should begin to function the day the inmate enters prison. Everything he does, every experience he has, should be calculated to aid in preparing him for a return to civil life. I encompass in this statement the inmate's educational and vocational training, the treatment of his health, physical and mental, and the treatment of his attitudes. The prison all too frequently receives a prisoner embittered and shattered. He has played and lost. He often feels he was not at fault—some one

else was or "the system" was all too arduous. He hates bitterly. Perhaps he is completely discouraged and demoralized. Perhaps he has given up hope of living decently. In any event, his attitude is more likely than not to be unhealthy, antisocial. Prisons ought to prepare for parole by changing that. Do they?

*Parole Requires a Dependable Selection Process*

Whether or not prisons do prepare the individual for parole, the parole board will meet the inmate sometime. It hopes his attitude is a healthy one. But it is not so naive as to believe it will be so in every case. Therefore it must select from among those eligible for parole the good risks and must deny parole to the poor risks. How is this to be determined?

An effective parole system will have a dependable process of selection for parole. This process ought not to depend upon subjective judgments, hunches, sentimentalism, or extraneous considerations. The fact that an inmate smiles nicely or promises to "reform" is not enough. We all know how easy it is to be swayed in favor of the manly-looking youngster who readily admits his guilt, who earnestly says he "has learned his lesson," who repeatedly and humbly remarks, "You gentlemen know best."

Selection must be based on more objective data than this. To be sure, we shall not be able to determine by any infallible scientific data who is the good risk, but we can avail ourselves of what indexes we have. Some systems have adopted the use of prediction tables. These are a step in the direction of scientific determination of eligibility for parole, but prognostic methods of this sort are as yet in the experimental stage. It is my belief that the social case history, although more subjective than

prediction tables, is still our best guide. Adequate pre-parole data, furnishing as complete as possible a personal and family history of the inmate and an analysis of the significance of the background, would seem to be a relatively effective tool in the selection process.

### *The Criterion of Personnel Practice*

Now let us shift our attention from the inmate and the parolee to the parole officer. The effective parole system will have an intelligent program of personnel practice. It will select staff on a merit basis. It will furnish adequate pay with opportunity for promotion and with security of tenure. It will supply intelligent supervision of the staff. It will follow decent, fair personnel practices in the treatment of the staff member. It will consider these factors very important in the process of conducting an efficient organization with a high degree of esprit de corps. Staff members must be satisfied, must like their work, must want to accomplish results.

The growth of the staff member will be furthered by satisfactory in-service training as well as by stimulus to further study.

### *All of This Calls for Sufficient Financial Resources*

"It is all well enough," you may say, "to talk in this high-sounding fashion about all these fine things, but how are we going to accomplish all this? Where is the money coming from?" There you have me on the hip. I am fully cognizant of the fact that good parole calls for adequate appropriations, and we are all painfully aware of the hopelessly inadequate budget allowed some parole systems. Yes, there is the rub, but I am attempting to give what seem to me to be the essential criteria of the good,

even the ideal system. I say only, "Here is how we may judge *when* we have a workable system." Yes, effective parole requires adequate financing. Without enough money it will not work.

### *Absence of Politics a Sine Qua Non*

And it will not work in an atmosphere of politics. Parole and politics will not mix any more than oil and water or gasoline and alcohol. Where we find the severest condemnation of parole practices, we also find the charge of politics in parole. The bad parole system is accused of playing politics. Contrariwise, the politically minded parole system is a bad parole system. Parole's aim is to build men, not a political machine. It hopes to blunt bullets, not stuff ballots. It wants to produce citizens, not political hierarchies. The sooner our states take seriously the fact that parole must be kept absolutely clean of politics, the more easily shall we be able to defend all of our parole practices in all states.

### *Some Miscellaneous Desiderata*

Finally, we should be able to measure a parole system by some other, more miscellaneous criteria.

Does it show continuous growth or has it a tendency toward stagnation?

Has it produced effective media of integrating all community services in the interest of the offender? Has it, for instance, been successful in getting schools, employers, relief agencies, clinics, hospitals, recreation centers, to aid parole in the process of reconstructing behavior? Is it courageous in this respect? Does it really want to study the results of parole? Does it know the difference between propaganda and research?

We shall not achieve perfection overnight. We shall

have to take two steps forward and one backward. We shall need patience and tenacity and courage. But, if we persist, with integrity of purpose, with open minds, with eyes fixed on the goal, we may eventually emerge from the struggle, our heads very bloody but only slightly bent and with the fire still in our eyes.



## VIII CRIME AND THE PUBLIC



### Newspapers and Crime

JOSEPH J. CANAVAN

*Chairman, New York State Board of Parole*

THE conference presumably has asked me to speak on the subject "Newspapers and Crime," either from the view of Dr. Jekyll or Mr. Hyde. For many years I was connected with newspapers and now in parole administration I have a very advantageous position from which to understand how newspaper handling of crime news affects the work we do. I know the satisfaction of digging up an exposé and I know equally well the uncomfortable position of having a newspaper crusading against parole.

Although my reaction to criticism is quite normal—I don't like being criticized—you may decide that it is Mr. Hyde speaking, not Dr. Jekyll. I believe very strongly that we must analyze our relationship with the newspapers before we attempt any analysis of their relation to us.

The two phases of the newspapers which affect us most are their handling of crime news in general and news about the work we are doing in the correctional field in particular. When we pick up the morning paper and read a paragraph which resembles the following, our reaction is not the average subscriber's. We are not just interested in the facts. We are concerned with the implications to other readers.

Fighting to the last like a wild animal at bay, Joe Argus, better known as Bugs Joe, wanted on three murder charges,

was killed, last night in a gun battle, with the police. When trapped in his furnished room he surrendered to the only command he would accept—a bullet in the heart.

We do not quarrel with the facts in the story but we wish the report could be qualified in some way. We should like the newspaper to mention the fact that men like Bugs Joe represent a very small part of our criminal population. We should like the papers to have the story about Bugs Joe's childhood and infancy as we have it. In our imagination we place a footnote to the news story saying, "Just because Bugs Joe was such a bad man does not mean that all criminals must be feared as dangerous beasts. In most cases giving them a chance to earn a respectable livelihood is your best protection."

On another morning we read, "Casper McGovern, on probation for the theft of an automobile, was arrested last night for the atrocious attack and robbery of Mrs. Mary Jennings, seventy-seven, known throughout the city as the 'Angel of the Poor.'"

It is shocking that Casper McGovern may be guilty, but why couldn't the newspapers add a paragraph saying that only a handful out of the thousand on probation last year were convicted of committing a felony? Why pick on probation? we ask. Whether the news, as in McGovern's story, tends to weaken public confidence in our work or, as in the case of Bugs Joe, heightens the fear of all who carry the label *criminal*, we are directly affected.

It is much easier to know what we should like newspapers to do about crime than to sit down soberly and ask ourselves a few questions. What is possible to expect of the newspapers in handling crime news? What is impossible to expect? Have we done as much as we could to give the newspapers our side of the story or have we given them access to us only when it was to our interest

to do so? Does the newspaper manufacture public opinion on crime, or does it reflect that opinion? Are we expecting the newspapers to defend a principle and overlook its administration? Are we hoping the newspapers will be partial where we are concerned and impartial where we are not concerned?

We wish the newspapers to understand our function but do we understand their function? Our first concern with newspapers and crime should be a recognition of the technique and purpose of the newspapers. A clear understanding of their function will pave the way for a greater respect on their part for those engaged in modern methods of correction. We need that respect.

### *What Is News?*

A good newspaper is devoted to the presentation of facts which will interest the reader. It is not a mouthpiece for propaganda. The better the paper, the less it is affected by the influence that can be exerted by any pressure group, whether the group is fundamentally selfish or unselfish in its aims. The unusual act, either because it is more important or contrary to the ordinary run of happenings, forms the basis of judgment of what will interest the reader. Since both the mind and feelings of the public must be reached, the editor is concerned with the problem of both interesting and moving the public.

It is always important to keep clearly in mind the fact that the newspaper is a highly specialized performance, requiring just as much a combination of technique and personal talents as good case work. Very few persons who have not worked on a newspaper appreciate the impersonal rules which govern the craft. The good newspaper writer seems to suffer the same fate as the good case worker. Since most people have the belief that given the opportunity they would be good either at writing or

at treating human beings, these professions do not receive the general recognition given to a frankly more mysterious profession such as that of the geologist.

If we understand and respect the technique and independence of the newspapers we shall not expect the impossible nor try to gain by pressure and wheedling what we cannot get on the interest value of our news. It will not enter our minds that parole or probation failures will not make news. The presumption, and quite rightly, is that we select our parolees or probationers on the belief that they will be free without injuring the property or life of the community. When a parolee or probationer goes wrong it is news. If we feel there is an injustice in this remember that Vesuvius is never news except when she erupts. For all the years she does not damage lives or property she cannot make a paragraph on the back page. She is then no more news than Mr. John Q. Public who lives happily with his wife and is always loyal to her.

We cannot expect news reporting to be full of psychological or sociological interpretation because, for one reason, there usually is not time for the reporter to gather the material. We see much more of that type of news writing than we used to because of the greater interest of the public in causes of action, but drama still has more appeal than sociology. On the other hand, if we look over our own news with a stern eye to its interest and not just to the favorable light in which it places us, and if we accord the newspapers their right to take or reject material on their judgment of its value to the public, we shall have a better appreciation of what we are trying to do.

#### *A Friendly Relationship*

As craftsmen of one field to craftsmen in another, we should have a frank and open relationship, taking the consequences of our mistakes as well as the consequences

of our achievements. When we refuse the newspapers access to us we are in the position of either having something to hide which for the public good they should be publishing, or of taking the very stupid course of seeming to have something to hide when we have not.

It helps immensely to improve our relations with the newspapers if we try to keep a sense of proportion about our work. Much goes on in the world. Much goes on even in the smallest town. In spite of the fact that we are immersed in what we are doing, we are only one organization of many. It would be absurd to expect the newspaper to carry frequent items about any one group. Many a good contact with the newspapers has been ruined by misuse of our welcome.

Most important of all, we should see ourselves as workers who have no right to be exempted from an impartial scrutiny of our accomplishments. No one knows better than I the discouragement to an organization when under attack. You wish the outsider could know some of the difficulties, financial and otherwise, which hamper you from being as effective as you know is possible. It is easy to feel quite sorry for oneself. A sense of injury is an easy but fatal way out of meeting investigation and attack. The public needs a free press, free to probe and publish the facts about its public services. If we can make our heads rule our wounded feelings we shall concede that we too need a free press to print our weaknesses as well as our strength. It is our duty to welcome the initiative of newspapers when they are trying to delve for the real facts. We ought to go a step further. We must help the newspapers carry that criticism to the high places where responsibility for those conditions lies. If there are poor appointments in our field, who made those appointments? If probation or parole is so inadequately financed that it offers little of the real service these cor-

rectional devices can give, who is responsible for the inadequate appropriations?

Let us not cry on our doorsteps that the newspapers are unfair when they give publicity to our failures. We kill recognition of really good work when we do that. The public and the newspapers as a public instrument have a right to expect maximum efficiency from us. They have a right to expect parolees and probationers to make good. They have a right to expect us to protect the community. It is not enough that we are honest. It is not enough that the staffs on probation and parole have integrity. That is to be taken for granted. The work must be effective and efficient. Excuse and explanation for a badly done job is not justification.

When we try to keep up the fiction that we are always right we fool no one, least of all the newspapers. Until we have the courage to admit our mistakes and even point to them we cannot expect public understanding and support. Where there is no discrimination there is no judgment.

We need a vigilant alert press if we are to do a real job. Only a weak degenerate press could overlook ineffectiveness in public administration or be hoodwinked by propaganda hiding that ineffectiveness. It is a short view which tries to preserve a myth about bad conditions. The debt is merely delayed and the interest will pile up to stupendous proportions. In probation and parole we have two exceedingly valuable services to the public if they are adequately financed, well staffed, and have the other essentials of efficient administration. When in our anxiety that the principles of probation or parole should not be attacked we seek to minimize some of the handicaps which prevent proper administration, we are delaying the day when these services will be genuinely effective. We are in positions of great responsibility.

When we do not point out the signs of danger or weakness in our administration we are as criminal as the keeper of the gates of a dam who, for fear of criticism, does not warn that they are about to break.

### *Newspaper Interest*

I have devoted myself largely to the necessity of our understanding and respecting the function and techniques of the newspapers. Where we are frank with the newspapers and admit to ourselves the rather distressing truth that public service in its nature must be spiked with criticism, we shall discover that within the limits of their purpose, publishing news, newspapers are nearly always animated by an aim to promote the community welfare. Of all types of information submitted by organizations the news of the non-profit-making groups is looked at with the kindest eye. In many instances the newspapers seem kinder than a strictly professional judgment of news would allow.

If we follow the newspapers closely we can see the many times when an ethical consideration has eliminated the real names from a news story. Children who have been abused, men who have lived down their pasts are usually exempt from publicity which would identify them. Most newspapermen will recognize the reason for parole or probation agencies not supplying for publication confidential material between officer and offender. On the other hand we pay dearly in the mistrust we create if we use the cry of "confidential relationship" to shield weaknesses we hope to hide.

Equally as important to us as newspaper reports on our agencies are the news reports on crime. We are concerned over the whole popular view of the man who has committed a crime. Fundamental to our correction of



the offender is society's way of looking at a convicted man or woman. If he is to be treated as an outcast, if he is to be denied the opportunity of making an honest living, the chances are heavily against preventing his return to crime. If society insists on degrading him it assures his future with professional criminals who will give him recognition and a way to make a living.

We see essentially a conflict in public opinion today between the view of the criminal as the criminologist sees him and as the average man on the street sees him. To most people he is the product of a natural depravity. The criminologist sees his actions as a result of causes lying both within himself and his environment. Furthermore, the criminologist knows that the stigma which rests on him as a proved offender retards any intelligent campaign to drastically reduce recidivism.

The universal fear aroused by the word *criminal*, the tendency to see all criminals as a league of the damned, is one of the most serious drawbacks to prevention of repetition of crime among offenders. Facing this problem I have often sensed the wish that the newspapers would deliberately influence public thinking and switch the emphasis from personalities and spectacular criminal acts to a study of the causes of crime. It would certainly make our work much easier, but are we not putting the cart before the horse?

I hear and read much more damaging attacks on modern measures of correction from vocal citizens and officials than I do from newspaper editorial pages. While there has been an advance in public thinking in the past ten years, there is still a very large part of our public which believes that unmitigated punishment, as long as criminals are not physically tortured, is the best antidote for crime. Crime has the same fascination for them as a tale about a sea horse. Its origin is rooted for them in the



unreal and the unusual rather than in our everyday life.

If we are to tackle the business of educating the public on the causes of crime, we are going to have to do it ourselves with the help of other socially minded groups. That we are not trying to sell a commercial product does not mean we can expect the newspapers to change their function from one of informing their readers to one of influencing them. We cannot expect them in our case to abandon their position of supplying a demand to one of creating a demand.

If we want to see in the newspapers more on the causes and cure of crime, we must arouse in our communities a greater interest than now exists in the preventive and therapeutic measures against crime. Unless the public sees crime as a personal issue in which all of us are affected, and unless the public takes an active interest in acquiring knowledge on that subject, we shall continue to see, as we see today, an almost exclusive interest in the more spectacular phases of crime.

Only by popular demand will the emphasis switch from the apprehension and detection aspects of crime which absorb the public today, to a more complete approach which sees detection and apprehension as important but just a part of the program against crime.

We have merely to pick up a newspaper and see the amount of space devoted to research in medicine to understand how news fits the taste of the public. The country is extremely health conscious and avid to hear of any new discoveries in the health field, whether it is on dementia praecox or the common cold. It would be hard to believe this was an interest created by the newspaper. No. It has arisen from personal contact with the power of science to heal and a belief that the information is of personal importance. While we believe that a scientific approach to crime is of as much personal importance, the awareness

does not exist to a large degree as yet with the great majority of the general public.

### *Educating the Public*

The stupendous task of educating the public will have to be done the hard way, an all around the year job, a year to year job. Frequent addresses must be made before interested groups. Conferences must be held. There must be studies, research and writing in popular terms. We shall have to take our education out of the parlor and spread it in the streets. Lack of education in the field of crime is the most serious curb to efforts in crime reduction today.

The Attorney General's Survey of Release Procedures affirms the experience of all of us in the correctional field. There is a direct ratio between employment of parolees and probationers and their ability to adjust as members of their communities. Fifty-three per cent of 7,663 parolees unemployed during their entire parole period were recorded as parole violators. Only seventeen per cent of 22,753 parolees employed during their parole period violated the terms of their parole.<sup>1</sup>

The public is still not aware that if the former offender does not work for the better element in the community he steals from it. Lack of education on this employment phase dooms society and the convicted offender to the endless chain of crime, judgment, return to society, inability to obtain status and inability to obtain constructive work; crime, judgment, return to society, inability to obtain status and inability to obtain constructive work, crime again. If we cannot get the public to give work to those past offenders who, with help, can contribute to society not drain from it, whatever else we say or do

1. *Attorney General's Survey of Release Procedures, Vol. IV. Parole*, Department of Justice, Washington, 1939, p. 446

about recidivism is just an empty gesture. We *must* get the public to provide work. *We* must.

Again, we must admit that our knowledge of what can be done toward crime prevention is known only to special groups. Young boys and girls continue, through neglect of adequate efforts, to grow up to be full-fledged criminals.

These are only isolated instances of how crime today feeds on ignorance and inertia. We have no more important task than educating the public. It is of vital concern to every community. The newspapers will not do our job for us but they will help us. They will if they find us truthful. They will if they can really know how we are operating. They will if they have confidence in our ability to place devotion to public service over self-justification.

## IX LEGAL DIGEST



### Legislation and Decisions Affecting Probation, Parole and Juvenile Courts, 1939

FRANCIS H. HILLER, *Field Director, and*  
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*National Probation Association*

THE most notable legislative development in the adult field for the current year is the continued trend toward state administration of probation. State departments of adult probation and parole were created in Alabama, Maryland, Oregon and West Virginia and were approved by the legislatures but vetoed by the governors in Florida and Pennsylvania. A state administered adult probation system was approved by the joint judicial committee in Connecticut, and failed chiefly for lack of funds. Somewhat similar bills were introduced in Colorado, Maine and South Carolina. Juvenile courts with statewide jurisdiction were strongly advocated in Connecticut and Rhode Island, and while these measures failed of adoption this year they are likely to be revised at the next session of the legislatures.

Alabama, following a survey by the Prison Industries Reorganization Administration in which our field director took part, adopted a constitutional amendment authorizing the courts to use probation. The legislature then passed a probation law creating a state board to administer adult probation and parole throughout the state, and appropriated \$75,000 annually for the next four

years. All employees of the board are to be selected under the new state merit system.

In Oregon the state board of three has been appointed and has selected a director of adult probation and parole, Fred Finsley, a deputy director, and four field officers. The Oregon legislation followed a report by the Prison Industries Reorganization Administration of which our field director wrote the chapter on probation and parole. Our western representative, Ralph G. Wales, has been in close touch with developments there.

In Maryland William L. Stuckert, chief probation officer of the Baltimore adult probation department, is ex officio a member of the new state board. In West Virginia the governor has appointed a state director of adult probation and parole, Henry S. Dadisman, and a staff of probation-parole officers. There is no board but the director has power to order paroles upon approval by the governor. West Virginia also broadened the scope of its adult probation law, making it applicable to felonies instead of misdemeanors only, as formerly.

Although the state probation-parole bill was vetoed in Florida, adult probation was authorized by statute for the first time in that state, and salaried officers authorized for three of the larger counties have been appointed by the judges of the criminal courts of record.

In Georgia we regret to note that the State Prison and Parole Commission (which is also authorized to give adult probation service throughout the state) has again been made elective as it was prior to 1938 at which time legislation recommended by the Prison Industries Reorganization Administration provided that the three members of this board be appointed by the governor. Michigan also, in our opinion, has taken a backward step in requiring that the probation officers of the Detroit recorder's court must be discharged by the State Depart-

ment of Corrections upon recommendation of the appointing judges and that their terms of office expire with those of such judges.

In the juvenile court field the most important developments are as follows:

In West Virginia and in Pennsylvania the juvenile court age limit was raised from 16 to 18. In West Virginia this is a restoration of the age limit in effect prior to 1936 at which time the public welfare law reduced it to 16. Illinois established a State Division for Delinquency Prevention in the Department of Public Welfare.

Juvenile court or adult probation laws were also strengthened in California, Florida, Iowa, Minnesota, Montana, New York, North Dakota, Oklahoma, Vermont and Washington.

Altogether there has been much legislative activity in our field. Our staff members have appeared at legislative hearings in Colorado, Connecticut and Pennsylvania, and we have aided in the preparation of bills for Alabama, California, Colorado, Connecticut, Florida, Maine, Missouri, Oregon, Pennsylvania and Rhode Island.

In January 1939 the War Department announced its decision that a record of an adjudication in a juvenile court in Ohio or in any other state having similar provisions as to such adjudication would not bar an individual from enlistment. Since about thirty states have laws comparable to the Ohio statute which provides that an adjudication in a juvenile court does not impose civil disabilities, the former restriction on enlistment is liberalized over a wide area.

Acknowledgment is again due for the cooperation tendered by the Bar Association of the city of New York, through Franklin O. Poole, librarian.

**ALABAMA** Alabama has become the thirteenth state to adopt a combined state administration of adult probation and parole. A year ago Governor Bibb Graves and Governor-elect Frank L. Dixon secured a survey of the correctional system of the state by the Prison Industries Reorganization Administration and our Association loaned its field director for the probation and parole part of the study. The report recommended a radical reorganization of parole, the authorization of probation, and the creation of a state department for the administration of adult probation and parole. The Association aided in drafting a constitutional amendment and bills. The amendment was adopted in July by a four to one majority, and in August legislation was passed carrying out the principal recommendations of the Association.

Alabama had been the only state in which the criminal courts had no authority either to suspend sentence or order probation. The adult probation law adopted in 1931 was held unconstitutional by the state supreme court in 1935, and a proposed constitutional amendment to authorize the use of probation was defeated by popular vote in 1936. The act of 1939 authorizes the circuit courts, and courts from which appeals may be taken direct to the supreme court, to order probation except for persons sentenced to more than ten years' imprisonment or who have been previously sentenced for "a crime involving moral turpitude." (Laws of 1939, c. 278)

Adult probation and parole will be administered by a full time salaried State Board of Pardons and Parole of three members and \$75,000 annually will be available for the next four years. The board has final authority to issue pardons as well as paroles. The staff is to be selected under the new state merit system. (c. 275)

**CALIFORNIA** There were introduced nearly forty bills of sufficient interest to juvenile court and probation work-

ers to call for the support or opposition of the legislative committee of the California Probation Officers' Association. The most important of those enacted are noted.

The appointment of juvenile court referees in counties having three or more superior court judges was authorized. (Laws of 1939, c. 380)

Dipsomaniacs and inebriates may be placed on probation in the same manner as persons who are mentally diseased but not dangerous to public welfare. (c. 415)

Provision was made to establish courts of conciliation to handle divorce cases where minors are involved. (c. 737)

Authorization was given for commitment of habitually delinquent minors to institutions for defective or psychopathic delinquents. (c. 997)

Failure to provide for minors under certain conditions was made a felony. (c. 1001)

Granting probation to drug addicts or sellers of drugs was made illegal. (c. 1079)

The juvenile court's jurisdiction was extended to children afflicted with venereal diseases and in need of medical or custodial care on that account. (c. 1099)

**COLORADO** The governor was directed to execute a compact with other states, providing for interstate supervision of probationers and parolees. The provisions of the Uniform Act for Out-of-State Parolee Supervision were followed. (Laws of 1939, c. 101) Later the general assembly ratified the compact as executed by the governor. (c. 84)

The statute dealing with the appointment of probation officers by judges of the district courts was amended so as to authorize any such judge to appoint such officers, regardless of the population of the county, or city and county, embraced in any district. Formerly only judges of



district courts having jurisdiction over a city, or city and county of more than 200,000, were authorized to appoint probation officers. (Laws of 1939, c. 132)

Following a statewide survey and a report to the governor by our western representative, the Association aided in drafting bills to establish a state department of adult probation and parole, to broaden the discretion of the courts to use probation, to improve parole procedure, and to require that all sentences to the penitentiary be indeterminate with the statutory maximum for the offense for all cases. Our representative appeared in support of the bills and much interest was aroused, but the bills were defeated. (S. B. 531, H. B. 866)

**CONNECTICUT** Important bills of interest to us were defeated. House Bill 20 proposed to abolish all local adult probation departments and to establish instead a unified state department controlled by the superior court, with a staff selected through competitive examination. House Bill 26 proposed a state juvenile court to take the place of the numerous juvenile courts of Connecticut now presided over by the judges of the city, town, borough and probate courts (except in Fairfield and Windham counties, for which state financed juvenile courts with countywide jurisdiction have been established). The proposed state court was to have five full time judges appointed by the governor, and probation officers selected by the judges through competitive examinations.

**FLORIDA** Following a survey and report by the Prison Industries Reorganization Administration, a bill was prepared by our field director and sponsored by the Florida Probation Association, establishing a state department of adult probation and parole headed by a full time paid board of three, with a director and staff to be selected by competitive examination. This bill, with an appro-

priation of \$50,000, passed both houses by nearly unanimous vote but was vetoed. (H. B. 181)

A constitutional amendment was, however, proposed by the legislature "to create a parole commission empowered to grant paroles or conditional releases or probation under official supervision to prisoners or persons charged with criminal offenses . . ." This amendment will be submitted to the electors in November 1940. (Sen. Joint Res. 1001)

Local acts providing for adult probation were adopted. Chapters 19245 and 19248 provide for "probation and parole officers" for the criminal courts of record of Dade, Duval and Hillsborough counties (Miami, Jacksonville and Tampa). These acts, applying to all but capital offenses, contain the first statutory authority for the use of adult probation in Florida, though the courts have long exercised inherent power to suspend sentence.

The juvenile court law was amended to provide that adjudication in the case of a delinquent child "shall not be considered a conviction . . . and said delinquent child shall not be considered as a criminal as a result of such adjudication . . . nor shall such adjudication operate to impose upon said delinquent child any of the civil disabilities ordinarily imposed by conviction." (c. 19070)

New juvenile court laws were enacted for three counties having special juvenile courts. In Orange county (Orlando) the judge instead of being appointed by the governor, as formerly, is to be selected by the people for a four year term; such judge must be not less than twenty-five years of age, a citizen of Florida for at least five years and either an attorney or a person who has engaged in educational or social welfare work for at least three years. The salary is to be \$2400 per annum instead of \$1500 as previously. The probation officers are to be appointed by the judge, with the consent of the county com-

missioner, instead of by the governor, as formerly. The court will have jurisdiction over dependent and delinquent children under 17. (c. 19113)

For the Dade county (Miami) juvenile court the office of probation officer and that of assistant probation officer were abolished. In lieu of such offices there was created that of chief probation deputy and three assistant probation deputies appointed by the judge and serving at his pleasure. (c. 19002)

The judge's salary is to be \$6500 and he is to give full time service as such. (c. 19597)

The Dade county juvenile court becomes the juvenile and domestic relations court with much broader jurisdiction. In addition to cases of dependent and delinquent children under 17, the court is to have jurisdiction of violations of any statute for the protection of children or relating to the neglect of one member of a family to discharge any legal duty owed to another member; of offenses against the person when directly involving a child; to determine the paternity of children alleged to have been born out of wedlock; and in cases concerning the custody or adoption of children; of the care, custody or support of physically or mentally handicapped children; of the annulment of marriages when either party is under 17; and of the enforcement of orders of other courts involving alimony, support or custody of children whenever the child or parent resides in the county. The court is authorized to act as a committing magistrate and to use probation in cases of adults under its jurisdiction. The judge is especially authorized to conduct informal proceedings to effect reconciliation and adjustment of domestic relations problems.

The judge is authorized to appoint an "investigator," who is empowered to serve court papers, prepare pleadings and present causes as attorney for the state. The

statute stipulates that such investigator shall be deemed to be only an employee and not an officer required by the state constitution to be appointed by the governor or elected by the people. (c. 19597)

The salary of the judge of the juvenile court of Hillsborough county (Tampa) was set at \$3500. (c. 19352)

GEORGIA The law establishing the State Prison and Parole Commission (a probation and parole board having nothing to do with prison administration) was amended to provide that the three full time members shall be elected by popular vote for six year terms. This was the mode of selection prior to 1938 at which time it was provided, on recommendation of the Prison Industries Reorganization Administration, that the members should be appointed by the governor with the consent of the senate, except that the three members then in office were to be retained for six years. (Laws of 1939, c. 219)

ILLINOIS A Division for Delinquency Prevention was created in the State Department of Public Welfare, to advise official and private agencies, hold state and district conferences, assist the courts and schools, organize local councils and conduct a program of education. There are to be a superintendent, four district supervisors and necessary clerical assistants; \$82,200 was appropriated for the biennium 1939-40. (Laws of 1939, p. 196 and 326)

The probation law was amended in the following particulars:

(a) The court was authorized to impose as an additional condition of probation that the defendant do or refrain from doing certain acts relating to his personal habits, including the use of intoxicants, the operation of motor vehicles, associating with criminals, and the like. The amendment stipulates, however, that violation of

this type of condition shall not be a ground for revocation of probation but shall be deemed in contempt of court.

(b) The circuit judges, except those of Cook county (Chicago), were authorized in their discretion, in lieu of appointing a probation officer for any county in their respective circuits, to appoint a probation officer for the entire circuit. The salary to be paid to any probation officer appointed to serve an entire circuit shall be \$3000, except in Cook county, and shall be apportioned among the counties of the circuit on the basis of population. (p. 502)

INDIANA In proceedings for the admission of indigent crippled persons over 16 to hospitals operated by the trustees of Indiana University the juvenile courts are given concurrent jurisdiction, and by agreement among the judges of the county this jurisdiction has been referred to the juvenile court in Marion county (Indianapolis). (Laws of 1939, c. 6)

Hereafter no person shall be eligible as a candidate for the office of judge, including judge of the juvenile court, unless he is a member of the bar and has had three years' experience as lawyer, law teacher or public officer. (c. 52)

IOWA The juvenile court law was amended to provide that prior to the filing of a petition the probation officer or the county attorney shall make investigation and that no petition shall be filed without the approval of such officer or attorney except by order of the judge of the juvenile court. (Sen. File 44)

MAINE There was enacted a statute modeled on the Uniform Act for Out-of-State Parolee Supervision, authorizing the governor to execute a compact with other states for the supervision of probationers and parolees. (Laws of 1939, c. 4)

Appointment of one probation officer and one assistant probation officer for Androscoggin county, at annual salaries of \$1800 and \$1000 respectively, was made mandatory. (c. 49)

A Department of Institutional Service was created, the duties of which include, among others, supervision of juvenile institutions, and subject to the approval of the governor and council, supervision of parole. A commissioner of institutional service is appointed by the governor with the advice of the council for a three year term or during the pleasure of the governor and the council. The commissioner appoints a director, institutional heads and other employees with the approval of the governor and the council. (c. 223)

The parole law was amended so as to bar from parole persons convicted of rape, of carnal knowledge of a female child between 14 and 16, and of certain other specified offenses. (c. 294)

A bill was introduced to create a state board of probation to supervise and regulate probation work throughout the state. The bill met with opposition and was amended so as to provide only an office with one clerk for gathering data regarding probation. It was not reported from committee. (H. P. 73)

MASSACHUSETTS Provision was made for the appointment by the two branches of the legislature and the governor of a board of seven to study the need for more effective public dealing with juvenile delinquency. (Resolves of 1939, c. 43)

MICHIGAN The term of office of probation officers for the recorder's court of Detroit is made the same as the term of office of judges recommending their appointment, and the state corrections department must remove them when such judges so recommend. Fortunately the

bill does not affect the term of office of other probation officers, which is during good conduct. This act is a reply to the decision of the state supreme court of December 1937, which restored to office six probation officers of the recorder's court who had been summarily removed. (Laws of 1939, Act No. 252)

The new State Department of Social Welfare is to have charge of the Boys' Vocational School, the Girls' Training School, and the Michigan Children's Institute, and is "to provide a service of consultation and assistance to the juvenile probation service of the probate courts." (Act No. 280)

In every case in which a psychopathic report of a convicted offender has been made for the court two copies of the report shall be transmitted to the State Department of Corrections. The department has been unable to get psychopathic reports when made in many cases, although presentence investigation reports prepared by probation officers are regularly filed with the department. (Act No. 286)

It is provided that an application for the treatment of a physically afflicted child, after approval by the physician or surgeon, shall be referred by a representative of the Michigan Crippled Children's Commission to the probate judge for approval or rejection; and if the application is approved the judge may provide for care and treatment in the child's home at local expense. In this connection the probate court seems to be acting in its capacity of juvenile court. (Act No. 283)

A new probate court code was enacted which made some changes in the juvenile court law, but these are not radical and are acceptable to the probate judges. (Act No. 288)

Voters of the state approved constitutional amendments providing for non-partisan election of supreme,



circuit, and probate court judges and circuit court commissioners.

Senate Bills 380 and 381, proposing to abolish the bureau of probation and reorganize the State Department of Corrections, were killed in committee.

MINNESOTA Ten dollars may be paid to boys and girls upon their discharge or parole from either of the state training schools. (Laws of 1939, c. 27)

In the probation department of the district court of Hennepin county (Minneapolis) the salaries of probation officers shall be fixed by the judges alone instead of by the judges with the consent of the county commissioners, as formerly. The new statute also eliminates the former authorization of a division in the probation department to administer the law relating to the support of dependent children. (c. 183)

In the district court of Ramsey county (St. Paul) the salaries of probation officers are to be fixed by the judges. Under the old law the salaries were specified in the statute. (c. 362)

"Psychopathic personality" is defined as a condition which renders "such person irresponsible for his conduct with respect to sexual matters and thereby dangerous to other persons." The act provides, nevertheless, that diagnosis of "psychopathic personality" is not to be a defense to a charge of crime. (c. 369)

The new State Department of Social Security is "to promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children" and the county welfare boards are to succeed to those duties formerly devolving upon the county child welfare boards. (c. 407)

MONTANA An act was passed amending the juvenile court law so as to authorize the appointment of salaried



probation officers for Yellowstone county (Billings). (Laws of 1939, c. 101)

NEVADA The juvenile court law was amended so as to increase the salaries of probation officers in counties having a population of between 8000 and 15,000 from \$125 to \$150 per annum. (Laws of 1939, c. 31)

NEW JERSEY It is made the duty of the probation office in each county to supply to the county bureau of identification and to the bureau of identification in the Department of State Police all information on record in their respective offices that may be necessary to complete the criminal record forms of the bureaus mentioned. (Laws of 1939, c. 78)

An important case has been taken to the Court of Errors and Appeals involving the question of what court has jurisdiction in the cases of two boys of fifteen charged with assault with intent to kill. The judge of the common pleas court of Bergen county ruled that they should be held for trial in the criminal court and that the law which refers such serious cases to the juvenile court is unconstitutional, relying upon the decision of the Court of Errors and Appeals in 1935 under which Giro L. Mei, aged 15, was tried for murder in a criminal court.

NEW MEXICO Counties of the first class were authorized to establish juvenile detention homes (c. 75) and other counties were authorized to maintain children in such homes of first class counties (c. 151), provided the period of detention may not exceed thirty days.

NEW YORK If requested by any authority charged with the duty of administering public relief laws, including a children's court, all employers of labor of any kind must furnish information relating to facts of which such

courts or other authorities shall have cognizance concerning the income of any applicant for relief or any relative responsible for his support or for the support of any inmate of a state institution. (Laws of 1939, c. 216)

Subdivision 1 of Section 4 of the County Children's Court Act was amended so as to provide that in Herkimer county as well as in Rockland county the judge of the children's court shall receive an annual salary of \$3000 instead of the same salary as that paid to a county judge. Subdivision 73 of Section 232 of the County Law had contained the same provision as to Herkimer county but was repealed as otherwise obsolete by Section 14 of this 1939 "Revision Law." (c. 312)

Subdivision 1 of Section 40 of the County Children's Court Act was amended so as to provide for the payment by the city treasurer or county treasurer of all bills for the care of children committed under that act to an authorized agency, from moneys appropriated for public relief and care in the city or the county public welfare district by warrant of the commissioner of public welfare, but upon audit of the children's court. (c. 393)

Paragraph B of Subdivision 2 of the County Children's Court Act, dealing with the enforcement of the obligation of a bondsman for a person adjudged liable to support a wife or child, was amended so as to provide for the procedure by which the bondsman may be cited before the court and judgment rendered for the amount due. (c. 749)

Sections 12 and 32 of the Domestic Relations Court Act of New York City were amended so as to take from the board of justices of the court the power to make rules governing probation and the conduct and control of officers and employees, and also taking from the board the power of approving the forms for reporting on probationers, prepared by the chief probation officer of the

probation bureau of each part of the family court. These powers are retained by the presiding justice. (c. 283)

Section 61 of the act was amended so as to empower the court to commit for purposes of observation to the division of psychiatry of the city department of hospitals a parent or other custodian or person seeking to have custody of a child in cases where such parent or other person is before the court and the court has reason to believe that such person may be insane. In all such cases examination or commitment may be ordered only after reasonable notice to the person concerned. The same statute also adds Section 72a to the act, providing for the procedure for summoning attendance officers of the department of education and "other peace officers in the city," which summons shall be served in lieu of arrest in cases prosecuted in the court by the attendance bureau. Finally, the 1939 statute further amends the act by providing that when a wife, child or poor relative is unable, because of his physical or mental condition, to file a petition for support in the family court, such petition may be filed by a guardian ad litem or other person appointed by the court. (c. 492)

The parole law was amended so as to provide that where a person is convicted of two or more crimes and is sentenced to more than one term of imprisonment to be served consecutively, if such person is paroled after serving the minimum term of either such sentence, he shall be subject to the jurisdiction of the board of parole until the expiration of the maximum terms of all such consecutive sentences. (c. 624)

Chapter 15 of the civil service law was amended by the addition of a new section, 14c, forbidding discrimination on account of race, color or creed in the employment of persons under this law; providing for the filing of a petition by any person so discriminated against with the

State Civil Service Commission or a municipal civil service commission; and authorizing the employment, promotion or reinstatement of any person so discriminated against. (c. 811)

**NORTH CAROLINA** The adult probation law of 1937 was amended to clarify the powers of the courts as to terminating or revoking probation. (Laws of 1939, c. 373)

A juvenile court was created for Forsyth county. The judge and assistant judge are to be appointed by the county commissioners and will assume their respective offices at the end of the term of office of the present juvenile court judge, December 1, 1942. The city of Winston-Salem may, with the consent of the Forsyth county commissioners, combine its juvenile court with that of the county. In that event the appointment of the judge and the assistant judge shall be made jointly by the city and county. (c. 385)

**OHIO** There was created a Pardon and Parole Commission consisting of three members appointed by the governor with the consent of the senate, each at an annual salary of \$6000, for staggered terms until 1945 after which each member shall be appointed for six years. The commission, which is a part of the Department of Public Welfare for administrative purposes, appoints a secretary who serves during the commission's pleasure. The secretary and such assistants as may be in the unclassified division are not deemed to be in the Department of Public Welfare but under the direct supervision of the commission which fixes their salaries. The commission appoints supervisors and "social investigators" and other assistants, all of whom are under the civil service except as indicated above. The commission may recommend the pardon, commutation of sentence, or reprieve of a convict

upon direction of the governor or upon its own initiative; and "subject to limitations imposed by law, . . . shall have full and exclusive power to determine the time when, the period for which, and the terms and conditions in accordance with which" parole may be granted. When a parolee has performed the conditions of his parole the commission shall finally release him. The commission or any of its members has the power to administer oaths, issues subpoenas and subpoenas *duces tecum*, and to compel the attendance of witnesses and the production of records. The former parole board was abolished. Any probation officer, among others, upon the order of the commission or of any parole officer having charge of the parolee, must arrest any violator of the terms of a pardon or conditional parole. (118 v. S. 82, effective May 3, 1939)

**OKLAHOMA** The office of county probation officer was created for Oklahoma county. He is to perform any duties required of him by the judges of the courts of record of the county, in the investigation, care, supervision and rehabilitation of persons whose sentences are suspended. Upon the order of a district judge the county probation officer must investigate any matter pending before such judge. The probation officer is appointed by the judges of the courts of record of the county and is to serve at their pleasure. He shall receive a salary of \$1800 per annum, together with \$600 per annum for expenses. (1939 Supp., Okla. Stat. Ann., Title 10, sec. 116)

An act was adopted defining the crime of contributing to the delinquency of a minor and making it punishable by jail or fine or both for a first offense, and by imprisonment in the state penitentiary or a fine or both for second or succeeding violations. (H. B. 287)

**OREGON** A State Board of Probation and Parole has been created, of three part time members appointed by

the governor for overlapping terms, to have charge of adult probation and parole administration throughout the state and to maintain camps for the temporary employment of parolees and probationers. The staff, consisting of a director, deputy director, and four probation-parole officers, is appointed by the board. The regulations as to parole eligibility are liberalized though complete discretion is not given to the board. It is to take the initiative in parole proceedings and is required to examine the record of every prisoner within six months after his admission.

This legislation embodies some of the recommendations made by the Prison Industries Reorganization Administration and by a special committee appointed by the governor. (Laws of 1939, c. 266)

No child under the age of 12 years shall be committed by any court to either the Oregon Industrial School for Girls or the Oregon State Training School for Boys, nor shall any such child be admitted to or received by or cared for in either of said institutions. (c. 440)

**PENNSYLVANIA** Pennsylvania has extended the jurisdictional limit of the juvenile courts from 16 to 18 years of age. It is left discretionary with the courts of quarter sessions and oyer and terminer to transfer to the juvenile courts cases of children between 16 and 18, but committing magistrates must so transfer, and such cases may be initiated by petition in the juvenile court. (Sen. 461 and 462)

An important bill which passed the legislature but was vetoed by the governor was proposed to establish a state board of parole of five full time members and to recognize the parole system. The board was authorized by this bill to supervise any adults who might be placed under its supervision by the courts. The administrative staff was to be selected through competitive examinations and

the board members and staff were forbidden to engage in political activities. (Sen. 152)

**RHODE ISLAND** A Department of Social Welfare was created. It is headed by a director of social welfare who, with the approval of the governor, appoints three assistant directors, one of whom administers the functions of parole, probation, and correctional services other than those relating to the Sockanosset School for Boys and the Oaklawn School for Girls, which are under the assistant director administering public assistance and social service functions. The new department and its director perform the same functions regarding parole and probation as under the pre-existing law. Within the department there is an advisory council of five members appointed by the governor. The council is authorized to advise the director regarding policies and regulations but has no administrative power. (Acts and Resolves of 1939, c. 660)

A State Civil Service Act was passed. Probation and parole officers are grouped as part of the classified service under the new law. Probation and parole officers now employed must pass a civil service examination to retain their positions. There is created a Civil Service Commission consisting of three members, appointed by the governor with the consent of the senate for staggered terms, the last of which will expire February 1, 1945. In January 1941 and every second January thereafter the governor, with the consent of the senate, shall appoint for a six year term a member to succeed the one whose term will next expire. (c. 661)

**SOUTH CAROLINA** The juvenile court law applying to Greenville county was amended so as to place the court under the management of a board of directors of nine, including the senator from Greenville county and eight persons appointed by the legislative delegation from the county, one of whom shall be a member of the dele-



gation. The judge is to be appointed by the governor on recommendation of this board. (Laws of 1939, No. 189)

A bill to create a state board of probation and parole was defeated. The board was to appoint a supervisor of probation and parole and probation-parole officers. The bill authorized the courts to use probation for any offense not punishable by life imprisonment or death. (Sen. 43)

**TENNESSEE** The governor was authorized to execute a compact with other states for out of state supervision of probationers and parolees. The statute follows the provisions of the Uniform Act. (Laws of 1939, c. 80)

In the event any child under the age of 16 years shall be committed to a county almshouse or similar institution, it shall be the duty of the committing court to immediately notify the Department of Welfare of such commitment and the name of the institution to which such child has been committed. (c. 110)

**UTAH** The juvenile court law was amended so as to make funds which are available to the county department of public welfare primarily liable for the support of a child in the custody of the court or committed by it to some institution, in cases where no other provision for the child's support is made. The law as it formerly stood authorized the board of county commissioners to pay for such child's support out of the county treasury. County funds are now liable for such support only when there is no other source available. (Laws of 1939, c. 23)

Another amendment to the juvenile court law includes "any act tending to cause a child to become or remain delinquent" as one of the acts constituting the offense of contributing to juvenile delinquency. (c. 24)

**VERMONT** An amendment to the juvenile court law provides that upon the filing of a petition and before any



further procedure is had in the case of a child, the court shall give fifteen days notice to the state probation officer who shall report to the court the result of an investigation of the case. (Temp. No. 62)

A psychiatric service was established in the Department of Public Welfare for children under the care of the department, other welfare agencies and the courts. (Temp. No. 235)

WASHINGTON The law relating to the State Board of Prison Terms and Paroles was amended to clarify the relations of the board to the courts in probation cases. The courts are authorized to refer cases to the board for presentence investigation. Among the conditions of probation the court is authorized to require imprisonment of the probationer in the county jail for not longer than one year or to require the payment of a fine not exceeding \$1000, and in all probation cases the court "shall order the probationer to report to the board . . . or such authority as the board may designate and . . . to follow implicitly the instructions of the board. The board . . . will promulgate rules and regulations for the conduct of such person during the term of his probation" and the court is authorized in its discretion to revoke probation without notice to the probationer.

It is further provided that a defendant who has fulfilled the conditions of his probation may be permitted to withdraw his plea of guilty or that the court may set aside the verdict of guilty and that the court may dismiss the information or indictment, whereafter the defendant "shall be released from all penalties and disabilities resulting from the offense of which he has been convicted." The amendment further provides that the state parole officers shall henceforth be known as "state parole and probation officers." (Laws of 1939, c. 125)

**WEST VIRGINIA** West Virginia joined the list of states having combined state administration of adult probation and parole, following in this respect a recommendation made by the Prison Industries Reorganization Administration. In this state, however, no board is created. There is to be a state director of probation and parole appointed by the governor for a four year term and a staff to be appointed by the director who is to determine their qualifications and may select them by competitive examination. Up to this time West Virginia has had no adult parole officers, and no adult probation officers except the sheriffs serving *ex officio*. The parole authority is conferred upon the director, with the approval of the governor, under certain limitations as to prisoners serving life sentences and those twice previously convicted of felonies.

The act also rewrites the adult probation law, making probation applicable in any felony case not punishable by life imprisonment provided the defendant has not been previously convicted of a felony. In West Virginia probation has previously applied to felonies only in cases of minors. Under the new law probation may be used in felony cases only after the report of an investigation by a probation officer has been presented to the court. (Laws of 1939, c. 27)

An amendment to the public welfare law restores the 18 year age limit for juvenile court jurisdiction in delinquency cases. The limit was reduced from 18 to 16 by the public welfare law of 1936. The neglect age limit, which includes dependency, remains the same, 16 for boys and 18 for girls. A child in the court in any capacity is deemed its ward up to 18. The court may order a physical and mental examination in any county employing a full time health officer. The new law modifies the restriction against jailing a child under 16, which appeared in the old law, by adding that a child under 14 who has been

committed to an industrial home or correctional institution may be held in the juvenile department of the jail while awaiting transportation. (c. 105)

**WISCONSIN** There was created a State Department of Public Welfare consisting of a State Board of Public Welfare, a director of public welfare, and other officers and employees. The board is composed of seven members appointed by the governor with the consent of the senate. Two members are to serve two years; two others, four years; and the remaining three, six years. Thereafter each member shall be appointed for a term of six years. Each member of the board is to receive a per diem of not more than \$10 fixed by the board with the approval of the governor. The board appoints a director of the department who in turn, with the approval of the board, appoints the head of the Division of Corrections and, under civil service, the entire staff of the department. The new department takes over the work of the State Department of Corrections and the State Board of Control which, under civil service, appointed "field officers" to supervise probationers and parolees, except in Milwaukee county, where the municipal and the district courts have their own probation departments. The act also creates a parole board consisting of three members, namely, the director of the Department of Public Welfare and the directors of the Divisions of Corrections and of Mental Hygiene. The statute authorizes all departments or divisions of the state government transferred by it to the new Department of Public Welfare to continue to function until the transfer is actually made. (c. 435)

## X THE NATIONAL PROBATION ASSOCIATION



### Review of the Year 1938-1939

CHARLES L. CHUTE

*Executive Director*

THIS report summarizes the activities of the National Probation Association for the fiscal year ending March 31, 1939, the thirty-second year of the existence of the Association and the eighteenth year since its incorporation as an active national agency with a paid staff.

During the year the professional staff consisted of the executive director, the associate director in charge of financial work, the assistant director, the field director, the director of the western branch, the membership representative, one field worker (part time), the publicity director and legal assistant, the librarian and the office manager. Fifteen clerical workers include one secretary in the San Francisco office. Two student volunteers from the City College of New York and three part time workers from the National Youth Administration have also been employed. The work of the staff has been supervised by an active Board of Trustees and assisted by the Professional Council, an advisory body made up of leaders in probation service from all over the country, by special committees, and by the national membership. The work of the staff may be summarized under the following headings:

#### *Field Service*

Probably the most important work of the Association consists of the local surveys, consultation visits, legisla-

tive and educational work carried on by the executive and field staff of the Association. This work is usually undertaken at the request of judges, probation officers and public and private agencies in cities, counties and states. Service of this character was given in twenty-four states. Below is a geographical summary of the principal field projects undertaken between April 1, 1938 and April 1, 1939.

**ARIZONA** *Phoenix* Three days were spent by the director participating in Juvenile Court Week. Several addresses were made.

**ARKANSAS** A representative of the Association spent a weekend in Little Rock to consult with state and city probation officials and others.

**CALIFORNIA** Our western representative visited many cities in California to confer on court problems. He was active in efforts to secure improved legislation and participated in state and local conferences.

**COLORADO** The western representative made an intensive statewide survey of probation and parole in Colorado at the request of the governor, social workers, probation officers, and representatives of the Peace Officers' Association. A fifty-two page report was widely distributed. With the assistance of staff members in New York, bills were prepared to carry out the recommendations of the report. Our representative returned to Denver to campaign for the bills, speaking at a legislative hearing and at several meetings. The bills failed to pass but much interest was developed.

**CONNECTICUT** The Association served in an advisory capacity to organizations in Connecticut interested in two bills introduced in the legislature, one for a statewide juvenile court system and the other for a board of adult

probation. The executive director went to Hartford several times and appeared at a legislative hearing in behalf of the two bills.

**DISTRICT OF COLUMBIA** Visits were made to confer with representatives of the Federal Bureau of Prisons, the Prison Industries Reorganization Administration and others. A new juvenile court bill, based on this Association's Standard Juvenile Court Law, was passed by Congress and signed by the President in June. The act gives the court exclusive jurisdiction over minors up to the age of eighteen.

**ILLINOIS** Visits were made to the adult and juvenile probation departments in Chicago.

**KENTUCKY** A visit was made to confer with probation authorities and to participate in a one day institute for state probation officers.

**MAINE** The executive director visited Portland in January to confer with judges and probation officers interested in securing a state board of probation. A bill for this purpose was introduced but did not pass.

**MISSOURI** Representatives of the Association made several visits to Missouri to confer with the board, the director and the staff of the state probation and parole department. We assisted in drafting bills and conferred with the governor and members of the legislature. We aided in the organization of a state probation and parole association. Kansas City, St. Joseph and St. Louis were visited to take up local problems.

**NEVADA** The western director spent several days in Reno and Carson City conferring with the governor, leading judges and others regarding legislation to develop adult probation and parole service, now entirely lacking.

**NEW YORK** The assistance of the Association was requested by a committee of the New York State Children's Court Judges Association in preparing a memorandum in support of a new constitutional provision to give children's courts the status of constitutional tribunals and to enlarge their jurisdiction. Representatives of the Association appeared at a hearing before the committee on the judiciary of the constitutional convention at Albany and presented oral statements supporting the proposed amendment. We have cooperated with the state and local probation departments. Many visits to courts in various cities have been made by staff members.

**NORTH CAROLINA** Visits were made to the state probation office and to the State Department of Public Welfare at Raleigh; also to courts and probation departments in other cities.

*Charlotte* At the request of a local committee cooperating with the juvenile court, we recommended a candidate for the position of probation officer who was appointed. Assistance was given in developing the work.

**OREGON** Following several visits by our field staff, legislation in which the federal Prison Industries Reorganization Administration and the National Probation Association collaborated was enacted, setting up a state board of probation and parole and a field staff.

**PENNSYLVANIA** At the request of the Governor's Commission to Study the Probation and Parole System, a field representative of the Association submitted suggestions on a proposed bill for a statewide system and addressed a legislative committee at Harrisburg in its support. Cooperation has been given to the new chief probation officer of the municipal court of Philadelphia

in planning a competitive examination for probation officers.

*Erie* A two weeks survey of the Elmwood Home, an institution for delinquent boys, was made by a special field representative of the Association. The report of the study was mimeographed and distributed.

*York* At the request of a newly organized service club which in part financed the project, the same field worker spent five weeks surveying the juvenile delinquency problem. A full report was prepared. An intensive follow-up has since been carried on.

**RHODE ISLAND** A representative of the Association made several trips to Providence to assist a committee of the Providence Council of Social Agencies in drafting a new juvenile court bill for the state. A complete revision of an earlier bill was prepared. When the bill came before the legislature the governor caused to be appointed a new study commission which had the matter under consideration at the close of the year.

**SOUTH CAROLINA** A trip in the south by our field director included a stop at Columbia to confer regarding pending legislation. Visits were made to the juvenile court and other agencies.

**TENNESSEE** The field director spent three days in Nashville attending a conference of state officials, conferring with the state director of probation and parole, and citizen groups including representatives of Vanderbilt University. He stopped in Memphis to confer with the city juvenile court judge and to visit the detention home.

**UTAH** A week was spent by our western representative in Salt Lake City and Ogden visiting the courts and discussing plans of cooperation between the State Public



Welfare Department and the State Juvenile Court and Probation Commission.

**WASHINGTON** *Seattle* Following our annual conference our western representative visited Seattle to complete arrangements for a survey of the juvenile court which the judge of that court had requested. Generous local contributions made possible an intensive study. This was under way at the close of the year, the assistant director from the New York office assisting our western representative.

**WISCONSIN** *Milwaukee* A two day visit was made to confer with a committee of the Council of Social Agencies and to visit the juvenile court and the probation offices.

*Madison* The field director visited and conferred with the state probation staff.

**OTHER FIELD VISITS** Many other cities were visited for the purpose of consultation and assistance, among them Los Angeles, San Francisco and Santa Barbara, California; Ann Arbor and Lansing, Michigan; Cleveland and Columbus, Ohio. One hundred and seventy-one cities in thirty-four states and Canada were visited to arrange membership appeals and promote interest in the work.

### *The Western Branch*

In May 1938 the western branch office of the Association was established at 110 Sutter Street, San Francisco with Ralph G. Wales as the director. He has travelled a good part of the past year getting acquainted with his territory. He has visited nine Pacific coast states and western Canada, giving consultation, educational, legislative and survey services.

*Prison Industries Reorganization Administration  
Surveys*

The field director, Mr. Hiller, completed surveys of probation and parole in Oregon and Idaho and prepared reports while on leave of absence from the Association with this government bureau. Since July 1, 1938 because of reduced funds Mr. Hiller served part time as special consultant on a per diem basis and has worked in Alabama, Nebraska and Florida. Between intervals of this service he has continued his work with the Association.

*The Coordinating Council Project*

Kenneth S. Beam was employed for a final month in June 1938 to enable him to complete the work he had begun and to assist at special sessions of our conference in Seattle. An organization which has been formed in Los Angeles, known as Coordinating Councils, Inc., is sponsoring this work nationally.

*Conferences, Institutes and Addresses*

**NATIONAL CONFERENCE** The thirty-second annual conference of the Association was held in Seattle, Washington, June 24-29, 1938. There were eighteen sessions, including several luncheons and a dinner meeting. Joint sessions were held with the Church Conference of Social Work and the National Girls' Work Council. The attendance was smaller than usual, due to the location of the conference, but it was representative and alert. One hundred and fifty-four delegates from twenty-five states, the District of Columbia, and Canada registered.

**NORTH CENTRAL PROBATION CONFERENCE** In co-operation with the sixty-eighth annual congress of the American Prison Association a four day regional conference was held in St. Paul in October 1938. There was a large official attendance from all parts of the country.

**INTERSTATE COMMISSION ON CRIME** The executive director attended the fourth annual conference of this organization in July 1938. The Commission is made up of attorneys general and other representatives appointed by the governors of the different states. Its principal activity is the promotion of interstate compacts for crime control. The field director spoke before a regional conference of the Commission in Jacksonville, Florida in March 1939.

**CENTRAL STATES PROBATION AND PAROLE CONFERENCE** The fifth annual meeting of this conference, which represents both probation and parole in nine central states, was held in Columbus, Ohio, June 5 to 8, 1938. Representatives of the Association participated.

**NEW ENGLAND CONFERENCE ON PROBATION, PAROLE AND CRIME PREVENTION** The Association cooperated in formulating plans for this conference, held in Burlington, Vermont. The executive director led a panel discussion.

**NORTHEASTERN CONFERENCE ON PROBLEMS OF COMMUNITY COORDINATION** The executive director spoke at this conference, held at New York University in December.

**WESTERN STATES PAROLE AND PROBATION CONFERENCE** The Association cooperated in arranging this conference, which met in Seattle just before our national meetings and merged with it. Our western director addressed one of the sessions.

**ATTORNEY GENERAL'S PAROLE CONFERENCE** The Association was asked to participate in this conference in Washington, the executive director serving on the Committee on Standards and Procedures in Parole Supervision.

**CALIFORNIA** The western director participated in the California Probation Officers' Association conference, in district conferences and in the State Conference of Social Work.

**COLORADO** While in Colorado studying the adult probation and parole service, the western director spoke before many groups.

**FLORIDA** The field director spoke before a meeting of the Florida Probation Association in Jacksonville and the State Conference of Social Work in Tallahassee.

**ILLINOIS** The executive director spoke at the probation officers' dinner at the annual conference on delinquency prevention sponsored by the State Department of Public Welfare held in Danville.

**INDIANA** An address before the State Probation Officers' Association was made by the director, and members of various groups interested in probation work were conferred with.

**IOWA** The field director attended the conference of the Iowa Association for Social Work and the Probation Officers' Association in Des Moines, speaking at two sessions.

**MICHIGAN** The field director spoke at the annual conference of the Michigan Probation Association. The executive director spoke at a state delinquency conference in Ann Arbor.

**MISSISSIPPI** The field director made several addresses at the State Conference of Social Work at Jackson.

**MONTANA** The western representative addressed the first State Conference of Social Work at Great Falls.

**NEW JERSEY** Members of the Association staff addressed four groups in Elizabeth, Hackensack, South Orange and Union City.

**NEW YORK** Addresses were made in several cities during the year. The executive director participated in a panel discussion at an Intercollege Crime Prevention Conference at New York University.

**OREGON** At the Commonwealth Conference held at the University of Oregon, the field director and the western director spoke.

**PENNSYLVANIA** A representative of the Association was sent to Pittsburgh to participate in the annual conference of the State Association of Probation and Parole Officers.

**RHODE ISLAND** The executive director addressed the monthly meeting of the Council of Social Agencies at Newport.

**WASHINGTON** While in Seattle for the annual conference of the Association, the assistant director addressed a meeting of the Council of Social Agencies.

**ADDRESSES** During the fiscal year members of the staff delivered sixty addresses before many organizations throughout the country as follows:

Mr. Chute . . . . .	22
Mrs. Bell . . . . .	8
Mr. Hiller . . . . .	10
Mr. Wales . . . . .	15
Miss Pigeon . . . . .	4
<hr/>	
Total . . . . .	59

Several radio talks are included.

*Publications*

The following publications appeared during the year:

*The Offender in the Community*, the Yearbook for 1938, 396 pages, containing the proceedings of the annual conference of the Association.

*Pamphlet reprints from the 1938 Yearbook*

Next Steps in Crime Control—Sanford Bates

The Family in Court—George W. Smyth

Coordinating Council Progress, 1938—Kenneth S. Beam

Understanding One Another—Samuel Hartwell

Training For and On the Job—Joseph P. Murphy

Ideals and Realities in the Probation Field—Charles L. Chute

The Use of Group Activity in Probation Work—  
Kenneth Wollan

A National Program to Develop Probation and Parole—  
Joseph N. Ulman

The National Probation Association, Review of the Year  
1937-38

*Probation*, the bimonthly magazine, five issues and index

*Adult Probation and Parole in Colorado*, report of a survey by Ralph G. Wales

*Survey of Juvenile Delinquency in York, Pennsylvania*, report of a survey by Helen D. Pigeon

*The Elmwood Home for Boys, Erie, Pennsylvania*, report of a survey by Helen D. Pigeon

*Coordinating Councils, How Shall They Be Organized?* reprinted

*Selected Reading List* for probation officers and others interested in delinquency

*The Shadow*, a poster

Tentative model bill for a state administered adult probation and parole system, mimeographed

Appeal leaflets and blanks, announcements of the Year-book, announcements and programs of conferences

### *Publicity*

Extensive nationwide publicity has been secured through general and special newspaper releases, articles for magazines and other publications.

### *Professional Council*

The Council, made up principally of leading chief probation officers and state directors of probation and parole, has continued to serve as an active advisory body. Its members, representing all sections of the country, are now appointed for three year terms expiring on December 1.

Three meetings of the Council were held during the fiscal year. The annual meeting was held in connection with the national conference of the Association in Seattle in June 1938. Eleven members were present from ten states. L. F. Murphy of Wisconsin was elected chairman.

A meeting of the Council was held in connection with the American Prison Congress at St. Paul in October. Eleven members were present. The appointment of a new committee to study state and regional conference affiliations was announced.

A third meeting of the Council was held at the offices of the Association in New York on December 12. Fifteen members were present. Preliminary plans for the program of the next national conference were formulated.

Many phases of the work of the Association were discussed at each of these meetings. Following the December meeting the chairman, L. F. Murphy of Wisconsin,

attended a meeting of the Board of Trustees of the Association, presenting a report with recommendations.

### *Special Committees*

The committee of the Association, appointed at the request of the Interstate Commission on Crime to formulate rules for the exchange of services between probation officers in different states, held a meeting at the time of our national conference in Seattle. Subsequently the committee prepared a set of rules and blank forms for implementing the compacts with respect to probationers permitted to cross state lines. The rules were presented at the annual meeting of the Interstate Commission on Crime and were adopted by the Commission. They have since been published by the Commission and in the Yearbook of the Association.

A committee was appointed by the Board of Trustees of the Association to consider the work of the Association in the field of parole. The committee met in December 1938 and after a thorough discussion proposed the following resolution which was subsequently adopted by the Board of Trustees:

RESOLVED: that whenever geographical or population conditions in any state indicate that combination of probation and parole is the best way in which these services can be promoted, the Association shall continue to encourage the development of coordinated state service in states which are prepared to adopt this form of organization, and that we continue to give advisory service in the parole as well as the probation field, insofar as our staff and resources permit.

We have continued to encourage the development of coordinated state probation and parole departments in a number of states requesting this form of organization. On the basis of bills prepared by our field director and with suggestions from the best parole laws in force or



proposed, the staff of the Association prepared a tentative bill for a combined state department to administer probation and parole. The bill was sent for criticism and suggestions to leaders in both probation and parole fields throughout the country.

### *General Work*

The Association has given advisory and field service to many states in regard to pending or proposed legislation. We endeavor to keep in touch with and secure copies of all new legislation enacted in our field. Our legal research assistant worked during the year on a revision of the Association's summaries of juvenile court and adult probation laws of the country.

Throughout the year the Association has answered innumerable requests for information and literature. Publications have been sent out for free distribution at many conferences. We have cooperated with civil service commissions and appointing officers in the preparation of examination questions and in the rating of examination papers. The Association has maintained an employment registry and endeavors to give assistance to candidates and appointing officers seeking qualified probation personnel.

### *Board and Staff Changes*

At the annual business meeting of the Association in Seattle, Daniel I. Koshland, prominent business man in San Francisco, was elected a member of the Board of Trustees in place of Newbold Morris of New York, whose term had expired. All other members of the Board whose terms expired were re-elected.

Helen D. Pigeon was employed as temporary field representative for four months. Francis H. Hiller, field director, returned to the staff on August 1.

*Membership and Financial Support*

The total paid-up membership of the Association on March 31, 1938 was 16,463, an increase of 997 over 1937. On March 31, 1939 the total membership was 16,416, a decrease of 47 during the year. The classified membership contributions for the year are shown in the following table:

## Membership Contributions Received

From April 1, 1938 through March 31, 1939

Amount Contributed	Number of Contributors	
	New	Renewals
Up to \$1.99.....	238	1305
Only \$2 .....	855	3382
\$2.01 to \$5.....	1524	5131
\$5.01 to \$10 .....	643	2294
\$10.01 to \$25.....	175	676
\$25.01 to \$50.....	32	98
\$50.01 to \$100 .....	9	49
Over \$100 .....	1	4
Total .....	3477	12939
Grand Total.....	16,416	

The plan of adjusting the dues of our probation officer members to a calendar year basis, renewable the first of January each year, was announced in October. A campaign has been carried on to bring this change about and also to secure as many new members as possible. At the end of the fiscal year 311 new probation officer members had been secured and 86 ex-members renewed. The total probation officer membership in the Association was 1311 on March 31, 1939.

The receipts and disbursements of the Association for


the fiscal year are shown in the treasurer's report herewith. Our members and individual contributors have continued to stand by us loyally during the year. The Association has been greatly aided by supporters in many cities who have cooperated in sponsoring financial appeals for the work. The increased number of these appeals largely accounts for the number of new contributors.

Support of the Association comes chiefly from small contributions of many interested persons. The Association has members in every state of the Union. Acknowledgment should be made here of a generous contribution of \$1000 from Mrs. Genevieve S. Blethen of Seattle toward the expenses of the survey in that city and the renewal of a like contribution from Henry Ford who has expressed much interest in our work.

Due to the generosity of our many contributors, the Association was able to close the year free from debt and with a working balance on hand in its general fund. We have no endowment but a permanent reserve fund has been gradually built up for emergency needs, consisting of proceeds from legacies and special gifts and sums set apart by the Board of Trustees. This fund is invested in bonds and deposited in savings banks and brings in a small regular interest return.

Interest in the work of the Association to develop individual study and effective treatment of offenders in the community is constantly increasing. As it is the only national organization in this field the demands and opportunities for service are unlimited. In return for the confidence of our generous contributors, we have endeavored to carry on the work as economically and as effectively as possible. We bespeak the interest and assistance of all who read this report.

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## Treasurer's Report

The following is a copy of the statement submitted by our auditors:

### STATEMENT OF RECORDED CASH RECEIPTS AND DISBURSEMENTS OF THE GENERAL FUND FOR THE YEAR ENDED MARCH 31, 1939

BALANCE, APRIL 1, 1938.....\$ 12,888.06

#### RECEIPTS:

Dues and contributions.....	\$104,577.61
Local contributions for field service	
expenses .....	707.21
Sale of publications.....	1,700.70
Interest on bonds.....	900.00
Interest on bank balances.....	572.07
Miscellaneous .....	90.30

Total receipts ..... 108,547.89

Total.....\$121,435.95

#### DISBURSEMENTS:

Salaries .....	\$ 58,350.02
Extra service .....	2,887.39
Travel expenses .....	10,499.38
Printing .....	8,300.63
Multigraphing .....	6,192.31
Postage and express.....	8,278.15
Rent .....	5,749.25
Office supplies .....	2,460.46
Telephone and telegraph.....	1,056.53
Equipment .....	242.28
Purchase of publications.....	310.14
Miscellaneous .....	1,295.53

Total disbursements ..... 105,622.07

## BALANCE, MARCH 31, 1939:

On deposit (including \$6,500.93 in savings accounts) .....	\$ 14,938.88	
Petty cash funds.....	75.00	
Travel expense funds.....	800.00	\$15,813.88

STATEMENT OF RESERVE FUND INVESTMENTS  
AND CASH, MARCH 31, 1939

	Face Amount	Cost
SECURITIES (Bonds purchased — approximate market quotation value, \$39,347.50) .....	\$ 50,000.00	\$44,333.50
Cash on deposit with savings banks.....		20,577.90
TOTAL RESERVE FUND.....		\$64,911.40

## ACCOUNTANT'S CERTIFICATE

National Probation Association, Inc.:

We have made an examination of your accounts for the year ended March 31, 1939, and have inspected the securities of the reserve fund as shown by the records and verified the cash balances of the general and reserve funds as of March 31, 1939.

In our opinion the accompanying statements set forth the cash receipts as recorded and the disbursements of the general fund for the year ended March 31, 1939, and the cash balance of that fund, and the investments and cash balance of the reserve fund as of that date.

(Signed) HASKINS & SELLS

New York, April 21, 1939

## TREASURER'S NOTES:

1. There were unpaid bills carried over on March 31, 1939 amounting to \$130.70, subsequently paid.

2. The reserve fund has been built up from time to time by setting aside various sums from current receipts. This fund is deemed necessary to protect the Association in case of some emergency causing a large reduction in annual contributions. The Association has received from time to time certain legacies and also gifts of substantial amounts from persons, some of whom are still living. While none of these legacies or gifts have been restricted in any way as to their use in the work of the Association,

it has seemed to the trustees that the Association would be carrying out the purpose of the donors in treating them as part of a special fund, of which the principal should not be used except in case of emergency. Therefore it was decided that such legacies and gifts might properly be looked upon as among the sources of the reserve fund and should be set forth in this report. These legacies and gifts have not been separately invested.

### SOME OF THE SOURCES OF THE RESERVE FUND

#### LEGACIES

1926	Mrs. Annie R. Miller, Newark, New Jersey .....	\$ 1,870.22
1927	Sarah Newlin, Philadelphia.....	500.00
1929	Mrs. S. Edith Van Buskirk, Wyckoff, New Jersey.....	100.00
1931	Mrs. Winifred Tyson, New York	1,000.00
1933	John Markle, New York.....	10,000.00
		<hr/> \$13,470.22

#### MEMORIALS

1924	Wilhelmine F. Coolbaugh, Chicago .....	\$ 1,000.00
1925	Joseph L. Boyer, Detroit.....	500.00
1930	V. Everit Macy, Westchester County, New York.....	1,850.00
1932	George Eastman, Rochester, New York .....	1,500.00
1934	Mrs. Helen Hartley Jenkins and the Hartley Corporation, New York .....	11,150.00
1936	Tracy W. McGregor, Detroit...	2,150.00
1937	Mrs. Fannie B. Look, Los Angeles	5,000.00
		<hr/> \$23,150.00

#### SPECIAL GIFTS

1925	Mrs. Leonard Elmhirst, New York .....	\$ 1,200.00
1927	Mrs. Lilly A. Fleischmann, Cin- cinnati, Ohio .....	500.00
1936	Mabel I. Hilliard, Donnellson, Ohio .....	325.00
		<hr/> \$ 2,025.00
		<hr/> <hr/> \$38,645.22

HENRY DEFOREST BALDWIN, *Treasurer*

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## Minutes

### ANNUAL BUSINESS MEETING OF THE ASSOCIATION BUFFALO, NEW YORK, JUNE 17, 1939

THE business meeting was held in connection with the thirty-third annual conference of the Association. Timothy N. Pfeiffer, president of the Association, presided. About one hundred members of the Association were present.

Mr. Pfeiffer presented the following brief report for the Board of Trustees:

Three regular meetings of the Board of Trustees have been held since the last annual conference of the Association in Seattle in June 1938; on October 21, December 13, and April 13. All the meetings were held in New York and were well attended. At each meeting full reports on the work of the executive staff were presented by the executive director and discussed together with financial reports and those of special committees.

Much thought has been given to the development of the work of our western branch office which was established in San Francisco in May of last year. The executive director has recently visited the Pacific coast to coordinate activities there.

Last year the board authorized the appointment of a special committee on the relation of the work of the Association to parole. The committee met in New York and held an extended discussion last December and made a report to the board, which then voted to continue giving cooperation and assistance in the field of parole, especially when requested to do so in states which are now organizing or contemplating the organization of state parole and probation setups.

At the December meeting of the board Mr. L. F. Murphy was invited to attend as chairman of the Professional Council. Many matters relating to the professional work of the Association were discussed with him, and a helpful relationship was thereby established between the Council, which represents the professional workers throughout the country, and the board, which is chiefly concerned with the business and financial needs of the Association.

At the last meeting in April special attention was given to problems of financial support. A report of the treasurer for the fiscal year ending March 31, 1939 indicated a slight surplus of receipts over disbursements and also indicated that we had lived well within the budget adopted for the past year. A total budget of \$111,106.80 for the current fiscal year was adopted.

The executive director presented a summarized report on the work of the Association during the past year.

L. Wallace Hoffman, chief probation officer of the juvenile court of Toledo, newly elected chairman of the Professional Council, briefly reported on the meeting of the Council held earlier in the day.

After discussion it was unanimously voted that the members recommend to the Board of Trustees that plans be made to give active cooperation to the Association of Juvenile Court Judges of America.

Ralph Hall Ferris, chairman of the committee on resolutions, presented a series of resolutions which were separately considered and adopted:

1. **RESOLVED:** That the committee on resolutions be a standing committee, to be appointed each year at the conference for the ensuing year, and that notices be printed in the issues of our magazine, *PROBATION*, asking that suggestions for resolutions be forwarded to the chairman of the resolutions committee, through the national office; and that the Professional Council be requested to present to the chairman of the resolutions committee any suggestions it may have.

2. **RESOLVED:** That the Board of Trustees at its next meeting be requested to consider means of compiling and publishing a manual of the best probation procedures and techniques and that the executive director be requested to bring this subject to the attention of the Board of Trustees.

3. **RESOLVED:** That the Board of Trustees of the Association be requested to study the matter of collecting statistics concerning probation from the various state offices.

4. **RESOLVED:** That the Board of Trustees be asked to consider the appointment of a committee to attend the next



meeting of the American Parole Association and to confer with representatives of the latter on the desirability of the two organizations joining forces.

5. RESOLVED: That the National Probation Association extend a vote of thanks to the members of the local committee, especially to Judge George H. Rowe, honorary chairman, Judge George W. Woltz, chairman, Judge Victor E. Wylegala, vice chairman, and Edward P. Volz, secretary of the committee; to Mrs. Della A. Nichols, chairman of the reception committee, Robert H. Zahm, chairman of the entertainment committee, Reginald P. Medlicott, chairman of the registration committee, Timothy W. Regan, chairman of the publicity committee, and Paul W. Husted, chairman of the finance committee; to the Mayor of Buffalo, the Police Department and other city departments; to the press for the fine publicity afforded the work of the conference and to the radio stations for use of their facilities; to the county and city probation departments; to the Statler Hotel; to all speakers and other individuals and groups who participated in making this conference successful; that the conference express its sincere appreciation of the tireless efforts of the executive director, Charles L. Chute, and the members of his staff for their splendid efforts in making this conference a success, and their fine contributions toward the achievement of the aims of the National Probation Association during the past year.

RALPH HALL FERRIS, Lansing, Michigan, *Chairman*  
KATHLEEN CROWLEY, Waterbury, Connecticut  
HELEN D. PIGEON, Harrisburg, Pennsylvania  
WILLIAM J. HARPER, White Plains, New York  
JUDGE HERBERT C. COCHRAN, Norfolk, Virginia

Thereupon the president announced the appointment of the members of this year's committee on resolutions as a standing committee for the ensuing year.

Judge Paul W. Alexander, chairman of the committee on nominations, presented the following report:

The undersigned committee on nominations met on the afternoon of June 16 to consider the nominations of ten members for the Board of Trustees of the Association whose terms of office expire at this time. It was unanimously decided to recommend for reelection to the Board of Trustees for the full term of three years the following members whose terms are expiring: Charles L. Chute, New York City; Edwin L. Garvin, New

York City; Sheldon Glueck, Cambridge, Massachusetts; Monsignor Robert F. Keegan, New York City; Mrs. Willard Parker, New York City; Timothy N. Pfeiffer, New York City; George W. Smyth, White Plains, New York; and Joseph N. Ulman, Baltimore, Maryland. In place of Dr. John H. Finley and Joel R. Moore, whose terms have expired, it was decided to nominate the following persons for a full term of three years: Sanford Bates, New York City, and Dr. Louis N. Robinson, Swarthmore, Pennsylvania.

PAUL W. ALEXANDER, Toledo Ohio, *Chairman*  
LOTTIE BIALOSKY, Cleveland, Ohio  
ETHEL N. CHERRY, White Plains, New York  
JOHN J. DOYLE, St. Paul, Minnesota  
IRVING W. HALPERN, New York City

It was voted that the nominations presented by the committee be approved and that the secretary be instructed to cast a unanimous ballot for the election to the Board of Trustees for three year terms of the ten names presented.

The meeting adjourned.

CHARLES L. CHUTE, *Executive Director*



Officers, Board of Trustees, Advisory  
Committee, Professional Council,  
Staff

NATIONAL PROBATION ASSOCIATION

*Organized 1907, Incorporated 1921*

50 WEST FIFTIETH STREET, NEW YORK

*Western Office* 110 SUTTER STREET, SAN FRANCISCO

OFFICERS AND BOARD 1939-1940

President and Chairman, Board of Trustees

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Vice President

GEORGE W. SMYTH . . . . . White Plains, New York  
*Judge, Westchester County Children's Court*

Treasurer

HENRY DEFOREST BALDWIN . . . . . New York

Honorary Vice Presidents

JULIAN W. MACK . . . . . New York  
*U. S. Circuit Judge*

PAUL V. McNUTT . . . . . Washington, D. C.  
*Administrator, Federal Security Agency*

HERBERT C. PARSONS . . . . . Boston  
*Director, Massachusetts Child Council*

EDWARD F. WAITE . . . . . Minneapolis  
*Judge, Juvenile Court*

# BOARD OF TRUSTEES

Terms Expire 1942

SANFORD BATES . . . . .	New York
<i>Executive Director, Boys' Clubs of America</i>	
CHARLES L. CHUTE . . . . .	New York
†*EDWIN L. GARVIN . . . . .	New York
SHELDON GLUECK . . . . .	Cambridge, Massachusetts
<i>Professor of Criminology, Harvard Law School</i>	
MONSIGNOR ROBERT F. KEEGAN . . . . .	New York
MRS. WILLARD PARKER . . . . .	New York
†*TIMOTHY N. PFEIFFER . . . . .	New York
LOUIS N. ROBINSON . . . . .	Swarthmore, Pennsylvania
†*GEORGE W. SMYTH . . . . .	White Plains, New York
<i>Judge, Westchester County Children's Court</i>	
JOSEPH N. ULMAN . . . . .	Baltimore
<i>Judge, Supreme Bench</i>	

Terms Expire 1941

†*HENRY DEFOREST BALDWIN . . . . .	New York
MRS. SIDNEY C. BORG . . . . .	New York
<i>President, Jewish Board of Guardians</i>	
MRS. FRANK DODGE . . . . .	Little Rock, Arkansas
MRS. DORA SHAW HEFFNER . . . . .	Los Angeles
<i>Commissioner, Juvenile Court</i>	
CHARLES EVANS HUGHES, JR. . . . .	New York
DANIEL E. KOSHLAND . . . . .	San Francisco
*JOSEPH P. MURPHY . . . . .	Newark, New Jersey
<i>Chief, Essex County Probation Department</i>	
†LAURENCE G. PAYSON . . . . .	New York
JOHN FORBES PERKINS . . . . .	Boston
<i>Judge, Juvenile Court</i>	
†*PERCIVAL WILDS . . . . .	New York

\* Member of executive committee

† Member of finance committee

Terms Expire 1940

HERBERT G. COCHRAN . . . . .	Norfolk, Virginia
<i>Judge, Juvenile and Domestic Relations Court</i>	
HARRY L. EASTMAN . . . . .	Cleveland
<i>Judge, Juvenile Court</i>	
*IRVING W. HALPERN . . . . .	New York
<i>Chief Probation Officer, Court of General Sessions</i>	
CHARLES W. HOFFMAN . . . . .	Cincinnati
<i>Judge, Court of Domestic Relations</i>	
SAM A. LEWISOHN . . . . .	New York
<i>Member, State Commission of Correction</i>	
ARTHUR C. LINDHOLM . . . . .	St. Paul
<i>Chairman, State Board of Parole</i>	
WILLIAM M. MALTBY . . . . .	Hartford, Connecticut
<i>Chief Justice, Supreme Court of Errors</i>	
JOSEPH SIEGLER . . . . .	Newark, New Jersey
ALFRED E. SMITH . . . . .	New York
<i>Former Governor of New York State</i>	
†FRANK C. VAN CLEEF . . . . .	New York

ADVISORY COMMITTEE

FLORENCE E. ALLEN . . . . .	Cleveland
<i>Judge, U. S. Circuit Court of Appeals</i>	
CHARLES C. BURLINGHAM . . . . .	New York
JOHN H. FINLEY . . . . .	New York
<i>Editor Emeritus, New York Times</i>	
ABRAHAM FLEXNER . . . . .	New York
BERNARD FLEXNER . . . . .	New York
MRS. HARRY HART . . . . .	Chicago
STANLEY H. JOHNSON . . . . .	Denver
<i>Judge, District Court</i>	

\* Member of executive committee

† Member of finance committee

354 OFFICERS, TRUSTEES, ADVISORY, COUNCIL, STAFF

RALPH JONAS . . . . .	New York
DR. HOWARD A. KELLY . . . . .	Baltimore
GEORGE W. KIRCHWEY . . . . .	New York
THE RT. REV. WILLIAM LAWRENCE . . . . .	Boston
GEORGE MACDONALD . . . . .	New York
JOSEPH E. MEYER . . . . .	Des Moines, Iowa
<i>Judge, Juvenile Court</i>	
SPENCER MILLER, JR. . . . .	New York
RAYMOND MOLEY . . . . .	New York
MRS. W. L. MURDOCH . . . . .	Birmingham, Alabama
NEWBOLD NOYES . . . . .	Washington, D. C.
<i>Editor, The Evening Star</i>	
MRS. GIFFORD PINCHOT . . . . .	Milford, Pennsylvania
ROSCOE POUND . . . . .	Watertown, Massachusetts
VICTOR F. RIDDER . . . . .	New York
THEODORE ROOSEVELT . . . . .	Oyster Bay, New York
ALBERT A. SPRAGUE . . . . .	Chicago
HENRY W. TAFT . . . . .	New York
MRS. LEWIS S. THOMPSON . . . . .	Red Bank, New Jersey
MIRIAM VAN WATERS . . . . .	Framingham, Massachusetts
<i>Superintendent, Reformatory for Women</i>	
MRS. MARJORIE PEABODY WAITE, Saratoga Springs, New York	
MRS. PERCY T. WALDEN . . . . .	New Haven, Connecticut
RABBI STEPHEN S. WISE . . . . .	New York
<i>Free Synagogue</i>	
B. LORING YOUNG . . . . .	Boston
<i>Chairman, Massachusetts Board of Probation</i>	
CARL V. WEYGANDT . . . . .	Columbus, Ohio
<i>Chief Justice, Supreme Court</i>	
MRS. THOMAS RAEBURN WHITE . . . . .	Philadelphia

## PROFESSIONAL COUNCIL

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RICHARD T. SMITH, <i>Vice Chairman</i>	Concord New Hampshire
CHARLES L. CHUTE, <i>Secretary</i>	New York
MRS. LILLIAN McDERMOTT	Little Rock, Arkansas
JOHN P. PLOVER	Sacramento, California
JUDGE EUGENE MADDEN, JR.	Denver
VICTOR C. PASSAGE	Bridgeport, Connecticut
WILLIAM D. BARNES	Hartford, Connecticut
RICHARD A. CHAPPELL	Washington, D. C.
GENEVIEVE GABOWER	Washington, D. C.
JUDGE WALTER S. CRISWELL	Jacksonville, Florida
LOTTIE RAMSPECK	Atlanta, Georgia
IRENE KAWIN	Chicago
WALTER K. URICH	Chicago
OLON C. VIAL	Indianapolis
CLEATIE H. DEVINE	Des Moines, Iowa
NORMAN BRADEN	Frankfort, Kentucky
PAUL E. SEIDLER	New Orleans
WILLIAM L. STUCKERT	Baltimore
ALBERT B. CARTER	Boston
RALPH HALL FERRIS	Lansing, Michigan
ARTHUR C. LINDHOLM	St. Paul
JOHN J. DOYLE	St. Paul
ROBERT C. EDSON	Jefferson City, Missouri
MILTON W. WEIFFENBACH	St. Louis
JOSEPH P. MURPHY	Newark, New Jersey
EDWARD J. TAYLOR	Albany, New York
EDWARD P. VOLZ	Buffalo
CLINTON W. ARESON	New York
IRVING W. HALPERN	New York
PATRICK J. SHELLY	New York
ABRAM N. JONES	Rochester, New York
WILLIAM J. HARPER	White Plains, New York
CHARLES B. VAUGHAN	Raleigh, North Carolina
A. W. CLINE	Winston-Salem, North Carolina
MARY E. McCHRISTIE	Cincinnati
EDWARD J. CRAWLEY	Cleveland

# 356 OFFICERS, TRUSTEES, ADVISORY, COUNCIL, STAFF


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WALTER J. ROME . . . . .	Pittsburgh
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K. KENNETH-SMITH . . . . .	<i>Associate Director</i>
MARJORIE BELL . . . . .	<i>Assistant Director</i>
FRANCIS H. HILLER . . . . .	<i>Field Director</i>
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GILBERT COSULICH . . . . .	<i>Legal Assistant and Publicity Director</i>
R. GARNIER STREIT . . . . .	<i>Membership Representative</i>
EDITH McWILLIAMS . . . . .	<i>Librarian</i>
SALLIE H. UNDERWOOD . . . . .	<i>Office Manager</i>



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## Minutes

### MEETING OF THE PROFESSIONAL COUNCIL

THE Council met at a luncheon session in connection with the thirty-third annual conference of the Association in Buffalo, June 17, 1939. The following members were present: Victor C. Passage, Connecticut; Norman A. Braden, Kentucky; Albert B. Carter, Massachusetts; Ralph Hall Ferris, Michigan; John J. Doyle, Minnesota; Richard T. Smith, New Hampshire; Edward P. Volz, Clinton W. Areson and William J. Harper, New York; Edward J. Crawley and L. Wallace Hoffman, Ohio; Robert C. Taber and Walter J. Rome, Pennsylvania; B. H. Robinson, Utah; and Charles L. Chute, secretary. The following non-members were present: Judge Atwell Westwick of the juvenile and superior courts of Santa Barbara county, California, Timothy N. Pfeiffer, president of the Association, Marjorie Bell, Francis H. Hiller and K. Kenneth-Smith of the Association staff.

In the absence of the chairman, L. F. Murphy, and the vice chairman, Charles B. Vaughan, William J. Harper was elected chairman of the meeting.

Mr. Murphy sent a brief statement on the work of the Council during the past year with his best wishes for the coming year. Because of his illness he was unable to prepare a full report. On motion of Mr. Ferris it was voted that the secretary communicate to Mr. Murphy our sympathy upon his illness, our regret that he was unable to attend the meeting of the Council and the sessions of the conference, and our best wishes for his speedy recovery.

The secretary, Mr. Chute, briefly summarized the work of the Council since the annual meeting held in Seattle, Washington, June 25, 1938. Two meetings were held, a

special one in connection with the American Prison Congress at St. Paul on October 5 and a midwinter meeting at the offices of the Association on December 12, 1938. Both were well attended. A lively discussion took place at each and many suggestions were made in regard to conferences, publications and the general work of the Association. The minutes of both meetings went to all members of the Council. At the St. Paul meeting the chairman, Mr. Murphy, announced the appointment of a new Committee on State and Regional Affiliations with Edward J. Crawley of Cleveland as chairman. At the New York meeting in December it was voted that a committee be appointed to consider the national conferences of the Association in their relation to other national conferences and organizations. Subsequently Mr. Murphy decided to refer the study of this problem to Mr. Crawley's committee.

The recommendation of the Council, that a mimeographed bulletin be published from time to time containing news items to be sent in by the members of the Council and other correspondents, was reported as not complied with due to the pressure of other work and the difficulty of securing adequate data from the field. The matter is still under consideration and we hope that a plan may be worked out to make this possible during the coming year. Mr. Hoffman suggested that to make the probation officers of the country more articulate, contributing editors in each state might be asked to send in material for such a news bulletin.

Mr. Hoffman, chief probation officer of the Lucas county (Toledo, Ohio) juvenile court, was unanimously elected chairman of the Council for the ensuing year. Richard T. Smith, State Director of Probation of New Hampshire, was elected vice chairman. Charles L. Chute was re-elected secretary.

Edward J. Crawley presented a progress report for the Committee on State, Regional and National Conference Affiliations. Suggestions for further study were that each state have a chapter of the national association or that each state association become affiliated with the national organization. It was stated that there is a growing feeling that our annual probation conference is being overshadowed by the larger National Conference of Social Work.

In the ensuing brief discussion Mr. Doyle proposed that as new persons come into the field with more training in social work they will lean toward the social work conference and will want to be able to attend both meetings. Mr. Crawley thought that a survey of the past ten or twelve conference programs might be made to determine how many speakers at the conference also presented papers at the National Conference of Social Work and that a questionnaire might be sent to the officers attending our conference to ascertain how many stayed for the meetings of the general conference. Mr. Ferris suggested that Mr. Crawley's committee communicate with all members of the Professional Council, asking each member to consult with probation officers in his state in regard to the matters under discussion.

The secretary presented a communication from Ralph G. Wales, western representative of the Association, enclosing a report on his work during the past year.

Judge Westwick spoke briefly on the work of the Association on the west coast. He said that Mr. Wales is doing a splendid job. Several southern California counties now want surveys made. There are many unmet needs. The judge suggested that as soon as possible the Association employ another man to assist Mr. Wales. He offered his assistance in the effort to make the western office self-supporting.

It was suggested in the discussion following Judge Westwick's emphasis on the Pacific branch that the needs of other sections of the country should be considered before expanding the western office.

Cooperation with the Association of Juvenile Court Judges of America was discussed. The Council concurred in thinking it valuable for us to work closely with them. Further discussion was deferred until the judges' organization could hold its business meeting and decide its wishes for the future.


In discussing the lack of representative attendance at the Professional Council meetings, Mr. Crawley proposed the use of a ballot so that all members might be heard on important matters.

Mr. Pfeiffer expressed his appreciation of the cooperation of the Professional Council. He asked that Mr. Hoffman present to the Board of Trustees the problems that have been discussed and the suggestions of Council members.

Before the meeting adjourned Mr. Hoffman thanked the members present for electing him as chairman for the next year and promised to do his best in that capacity.

CHARLES L. CHUTE  
*Secretary*

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## By-laws

### NATIONAL PROBATION ASSOCIATION, INC.

Adopted May 31, 1919. Amended April 14, 1920; June 21, 1921;  
June 22, 1922; June 9, 1929; May 14, 1932; May 22, 1937.

#### ARTICLE I NAME

The corporate name of this organization shall be the National Probation Association, Incorporated.

#### ARTICLE II OBJECTS

*The objects of this Association are:*

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop the probation system by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

#### ARTICLE III MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Trustees and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, life members, and organization members. Active members shall be those who pay dues of \$2.00 or more a year; except that when arrangements are made for the affiliation of all the members of a state or local association of probation officers, paying joint dues in the local and national associations, the Board of Trustees may authorize a reduction of dues for active membership. Contributing members shall be those

who contribute \$5.00 or more annually to the Association. Supporting members shall be those who contribute \$10.00 or more annually to the Association. Sustaining members shall be those who contribute \$25.00 or more annually to the Association. Patrons shall be those who contribute \$100 or more during a single calendar year. Life members shall be those who contribute \$1,000.00 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$10.00 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the treasurer or executive director shall thereupon cease to be members.

#### ARTICLE IV OFFICERS

The officers of the Association shall consist of a president, one or more vice presidents, and a treasurer who shall be elected annually by the Board of Trustees and shall serve until their successors are elected, and an executive director who shall be elected by said board to serve during its pleasure. The board also in its discretion may elect honorary officers who shall serve for such terms as the board shall determine.

#### ARTICLE V DUTIES OF OFFICERS

The president, or in his absence a vice president, shall act as chairman at all business meetings of the Association. The treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Trustees. The executive director shall be the chief executive officer of the Association. He shall be paid such compensation as may be determined by the board.

#### ARTICLE VI OTHER EMPLOYEES

Other members of the executive staff and clerical assistants shall be appointed in such manner and for such terms and compensation as may be determined from time to time by the Board of Trustees.

## ARTICLE VII BOARD OF TRUSTEES

The Board of Trustees shall consist of thirty members to be elected by the members of the Association at its annual meeting. The twenty-one directors now in office, whose terms expire subsequent to the annual meeting in May 1932, shall continue to hold office as trustees until the expiration of the terms for which they were respectively elected. At the annual meeting in May 1932 nine additional trustees shall be elected, three for terms of one year each, three for terms of two years each, and three for terms of three years each. At each annual meeting thereafter ten trustees shall be elected for terms of three years each. The board may fill any vacancy, however created, occurring among the officers or members of the Board of Trustees for the unexpired term. The board shall elect a chairman annually. He shall preside at the meetings of the board and shall be *ex officio* a member of all committees of the board.

## ARTICLE VIII DUTIES OF TRUSTEES

The Board of Trustees shall elect the officers, shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

## ARTICLE IX COMMITTEES

There shall be an executive committee elected annually by the board, which shall consist of the chairman of the board, who shall be chairman of the executive committee, and six other members. Such committee shall have the powers and perform the duties of the Board of Trustees between the meetings of the board, subject to the confirmation of its action by the board. Three members shall constitute a quorum.

There shall be a finance committee consisting of a chairman and such other members as shall be determined by the Board of Trustees. Its duties shall be those which usually pertain to such a committee. It shall be appointed in the manner provided for by the board.

There shall be a Professional Council of the Association to consist of representatives of the courts and probation and parole services from the various sections of the country. The council shall consist of thirty or more members who shall be appointed by the president. One third of the members of the council appointed in 1937 shall serve for one year, one third for two years and one third for three years. In advance of each annual meeting the president of the Association shall appoint for three year terms the successors of those members whose terms shall expire at such meeting, and such other members in each class as may be necessary to equalize the number of members in each class. The council shall elect its own officers annually at a meeting held in connection with the annual meeting of the Association. The council shall make recommendations to the Board of Trustees in regard to all matters concerning the professional work of the Association.

A nominating committee consisting of five members of the Association shall be appointed by the president each year to nominate candidates for membership on the Board of Trustees.

Such other standing and special committees as may be authorized by the Association or the Board of Trustees shall be appointed by the president, unless otherwise directed by the Association or by the board.

## ARTICLE X MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day and at such place as may be determined by the trustees. Special meetings may be held as determined by the trustees. Ten members shall constitute a quorum. Meetings of the Board of Trustees shall be held at such times and places as the board may determine. One third of the members shall constitute a quorum of the board.

## ARTICLE XI AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Trustees.





## The Program of the National Probation Association

THE Association is the only national agency exclusively engaged in the effort to extend and improve probation service, together with juvenile and other specialized courts for effective dealing with child and family problems. It is concerned with the coordination of probation, parole and institutional work and interested in all measures for the effective social treatment and prevention of crime.

The Association has:

1. a nationwide membership of probation workers, judges and citizens interested in the successful application of the probation principle;
2. an active continuing board of trustees made up of prominent judges, probation workers and representative citizens;
3. an experienced staff which carries on its program.

In its working program the Association:

1. conducts city and statewide surveys of courts and probation departments, prepares reports, organizes and cooperates with local committees and agencies to maintain and develop effective probation and social court organization;
2. drafts laws to extend and improve probation and juvenile courts, and assists in securing the enactment of these laws;
3. aids judges in securing competent probation officers and assists the officers and other qualified persons in obtaining placements;
4. promotes state supervision of probation and cooperates with state departments and associations;
5. conducts a national probation conference and assists with special conferences and institutes for training probation officers;

6. carries on a research program for the study of practical problems in this field;
7. serves as a clearing house for information and literature on probation, juvenile courts, domestic relations courts, and crime prevention, for the entire country;
8. publishes a bimonthly magazine, *Probation*, with information and practical articles; the *Yearbook*, with addresses and reports of the annual conference; a *National Directory of Probation Officers*; summaries of juvenile court and probation legislation; case record forms for probation officers; reports of surveys and studies; practical leaflets and pamphlets.

*Membership in the Association is open to everyone. Each member receives the bimonthly magazine, Probation, and the Yearbook upon request.*

Membership classes: active, \$2; contributing, \$5; supporting, \$10; sustaining, \$25; patron, \$100 or over.

The Association is supported entirely by membership dues and voluntary contributions. Gifts are urgently needed to meet the growing needs of the work and the many requests for assistance from courts and communities all over the country. Contributions to the Association are deductible from income tax returns.

### FORM OF BEQUEST

*I devise and bequeath to the National Probation Association, Inc., incorporated under Article Three of the Membership Corporation Law of the State of New York, to be applied to the benevolent uses and purposes of said Association, and under its direction [here insert description of the money or property given] . . . .*

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